

MAY 1963/60 cents

**FOCUS**  
**MIDWEST**

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Stillness In Lincoln, Illinois



*Byron G. Lander*

Education In St. Louis County



*Francis V. Lloyd, Jr.*

The Silence Of History



*James T. Farrell*

Our Blind And Toothless Trust Laws

*Elinor Richey*

Harold Pinter's "The Care Taker"



*Mark M. Perlberg*

Mental Health And The Law



*John L. McKnight*

IRVING DILLIARD • EDWARD FIELD • SAM ELKIN

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# OUT OF FOCUS

(Readers are invited to submit items for publication, indicating whether the sender can be identified. Items must be fully documented and not require any comment.)

Following are excerpts from a letter sent by a wife of a faculty member of the University of Mississippi to a midwestern professor late last month.

"These people are absolutely incredible. The ignorance, violence, bestiality, and vulgarity of them is so far beyond the comprehension of people in (what we refer to here as) The Outside World, that we have discovered it is virtually hopeless to try to communicate the true situation to them. I have tried a few times to relate some details of our situation here, and when I read back over it, it sounds like the ravings of a maniac. My friends experience the same problems — it is hopeless to try to educate the outside world. Most, simply can't believe people — a MASS of people — can be so hideously low, bestial, crude, violent. They think, "Terrible, but isolated examples, surely." And can't get the wholesale effect. Sigh — I shouldn't be writing of it tonight — seem to have temporarily lost my sense of humor, and heaven knows, that is all that enables one to live through it.

"(Name), teaches here and believe it or not has had complete academic freedom on campus. The key word is *on campus*; naturally one can't write a letter to the editor or a Mississippi legislator, etc. off campus with impunity. He feels that he gets through to a certain small percentage of students and has enjoyed his work a great deal. He still has freedom in his classes and makes full use of it, although *most* administrators on campus are actively *for* segregation and doing all possible to get rid of Meredith and protect those who harass Meredith and his supporters. So far the professors (a vast majority for keeping Meredith here) have waged battle successfully to keep him with us. It is horrifying to us to hear of editorials (outside) condemning "the administration and faculty" for "doing nothing" and know that people outside will never know the dichotomy. Gad, what we (faculty) have suffered, and continue to suffer. Oh lord, I want to write volumes about it, how the administration has betrayed us every step of the way . . .

"We saw that governor (I feel a strong desire to be obscene when I think of him) bring his 400 state troops with their gas masks, helmets, sticks, guns and their cars full of vicious dogs, in order to keep Meredith out. They told the thousands to "please, for your gov'nor's sake, step back out of the line of fire." They were girded for Civil War, and luckily Meredith turned back that day. . . .

"Meanwhile, (Name) has eaten with Meredith often, talks with him, helps in any small way he can and we get threatening calls, obscenity, cherry bombs tossed at the house, etc., all the little joys of the Southern Way of Life. So far, our children haven't been abused, although other small children of professors have. Son of friends was beaten in school every day after his parents had Meredith to dinner, until Justice Dept. threatened to step in. He still gets "niggerlovah" treatment all day long (and the teacher tacitly supports harassment) . . . My ulcer is starting to perforate, just thinking about it. The professors have done all they can—they can ask and *demand* that the chancellor do or not do, but when he refuses they have no power and can do nothing but resign, which, of course, they are now doing wholesale. About 75 per cent are looking for new jobs. Some are staying because of age, houses, retirement, etc., and a few are staying on to fight the hopeless battle. . . . I personally am sick of being a missionary to Darkest Mississippi, which includes taking the vow of poverty. What sickens me the most is the stuff my children are exposed to in school. The schools are incredibly bad and the racial garbage disseminated on the playgrounds is enraging to the last degree . . .

"We were near enough to the Lyceum, center of the major riot, to have had a good view of proceedings, heard the howling mob, the gun's tear gas, bombs, etc., all night and got waves of rioters swarming all over. We watched all the hoodlums and riff-raff pour in when the Mississippi Highway Patrol pulled out. Our friends saw members of the Highway Patrol directing the students as to which cars to destroy, pointing out which ones were reporters to beat up, etc. . . .

"Faulkner is one of the loves of my life. How I admired him and how foolish a god to remove him from the Oxford scene before he could record this latest chapter in "Yoknapatawpha" doings."

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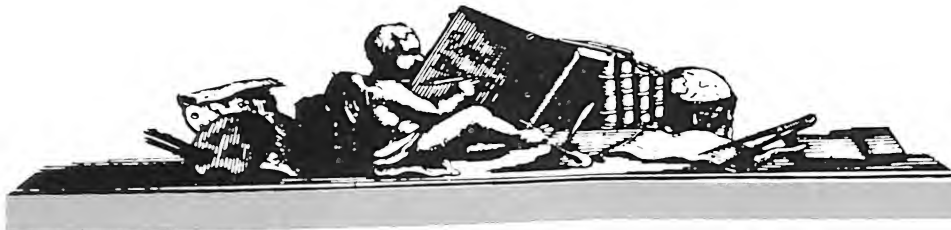
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# Letters

## "Brush Arbor Meetin's"

F/M: His article ["Brush Arbor Meetin's in the Ozarks" by Herb Rice] has exceptional merit in surface reporting qualities and might well be an expose of opprobrium, yet we must realize where one finds hate, another finds love, happiness or sadness, trust or distrust, etc.

No doubt Mr. Rice's boyhood recollections have lasting impressions, but other newspapermen have found in their exploration in the field of etiology here in the Ozarks, that the area is not without hope, for solace can be found, and has been, with "A little bit of Heaven right here on earth" in a colony deep in the hills of these parts where peace is sought rather than gold, God rather than the world, an oasis of pure, holy love at the "Sons of Levi" settlement, Mansfield, Missouri, where living is anything but dull and constricted.

At least part of Brush Arbor has a defense and welcomes your examination !!!

Congratulations to FOCUS/Midwest editors for their exceptionally informative magazine.

An undisturbed moralist and Pleasant Peasant of Brush Arbor,  
William A. Hills  
Mansfield, Mo.

## "The Poet's Choice"

F/M: Ralph J. Mills Jr. in his review of "Poet's Choice" makes the only point worth making for this latter half of this century: "As the scientific and technological spirit has gained dominion over the intelligence of modern man, the artist has become the sole caretaker of the imagination . . ."

Of course, there are many who will quibble with this. The word "imagination" in this context is not exact enough. But Mr. Mills is certainly right in the sense of what he says: man has substituted an analysis of the universe for his faith in man. Philosophically, such an analysis and such a faith are perfectly compatible. But in actual practice the scientific faculty of the mind has been so exercised, that it has eliminated the

use and function of the spiritual faculties in our daily lives. This loss of humanistic vision is at the core of our difficulties today. And, as Mr. Mills points out, only the artist can revive the use of the spiritual faculties. It is too bad that such propositions cannot be rendered as simply as mathematical equations. Everyone should know what is happening to our culture. But points such as those made by Mr. Mills are quite difficult to grasp by reasoning, since logic is so prejudiced today against the persuasions of poetry and so thoroughly conditioned to favor the conclusions of science. Would that Mr. Mills were as energetic and prolific as, let us say, Bertrand Russel, then we who agree with him would feel reassured that we were getting a fair hearing. But Mr. Mills and the rest of us are voices in a wilderness of television antennae and rocket gantries; however, on the basis of his review of "Poet's Choice" (The Deal Press), I shall buy the book. Had the world listened to Shelley, Keats, Burns, Matthew Arnold, et al, we would not now be captives of our own minds.

Richard W. Nason  
New York, N. Y.

## Trading Stamps

F/M: Indispensable to our state's progress is the knowledge of legislative action in Jefferson City. Your magazine has published under "Voting Records of Area Legislators" useful addresses of our representatives. As an expression of my appreciation of Mr. P. Wayne Goode's work as our Honorable Representative, please send him a year's subscription.

One of the current considerations of our representatives is the rash of trading stamps. What good are they? I began buying gasoline at a discount station which gave away stamps, or soap and kleenex. In six months I did not need to buy these items for our family. The cash value of the products, priced at our grocery, was eight cents a bar for soap and seventeen cents for kleenex. We would prefer just to pay less for gasoline.

There is hope in the measure introduced in the Missouri House by

The Honorable James G. Trimble, Majority Floor Leader from Clay County, who wants "to let the public know that it is not getting something for nothing in trading stamps."

Then there is another great American "come-on," the "mailing-in" of labels. In our grocery we observed teen-agers tearing labels off cans. They received a quarter for each mailed in to the home office of the grocery company. When asked, "Why?" they said, "Mom does it too."

Genevieve H. Nelson  
St. Louis

## Sunday Closing

The article ["Retail Business and the Blue Laws," Feb. 1963] strikes me as being full of distortions.

For example: "The history of American retailing is one of continual innovations, which have been resisted by retailers." I suppose all changes in retailing have been resisted by someone. It would be equally as sensible to say that the history of American science is one of continual innovations, which have been resisted by scientists.

"No one wants complete cessation of Sunday selling." I think almost everyone wants cessation of Sunday selling as a competitive measure.

"The sooner the 'downtown' retailers stop fooling themselves that their salvation lies in Sunday closing laws, the better off they will be." I do not believe that any downtown retailer has ever felt that they will protect themselves by Sunday closing.

The facts are that they want to eliminate Sunday openings because it increases the cost of distribution and in the long run it increases the price at which the public buys retail services. The total volume of retail sales is scarcely affected by lengthening store hours. The total cost of retail services is, however, greatly affected.

The net result of being open at all hours of the day, every day in the week, is increased cost to the retailer and increased prices to the public.

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FOCUS Midwest

THREE proposals which will fundamentally change the form of representative government in the United States are before many state legislatures. Two of these have been adopted by the General Assemblies of Missouri and Illinois.

Every legislator who voted for these bills ought to be thrown out of office at the next election. (Fearful of this eventuality, the Missouri House did not even record the vote on House Concurrent Resolution 4. Mo. HCR 5 is recorded under "Voting Records" in this issue. The Illinois House votes were recorded in the last issue.)

These are radical attacks upon the national union and our constitutional system. Instead of "restoring" the historic federal-state balance, as the proponents claim, these changes would convert the union into a devisive confederation. These changes are intended to subvert our Bill of Rights, now a protector of freedom and of equality.

The first proposal would amend Article V of the U. S. Constitution so as to force the proposal of amendments endorsed by two-thirds and adopted by three-fourths of the state legislatures without action by Congress or by a national convention. It provides a procedure for state legislative initiation of constitutional amendments without federal participation.

The second would eliminate federal judicial authority over apportionment of state legislatures, and wipe out substantive federal guarantees in this area. It affirms complete state control over state legislative apportionment.

The third would establish a "Court of the Union" with authority to review and to reverse Supreme Court decisions relating to rights reserved to the states under the Constitution. The Court would consist of the 50 chief justices of the highest courts of the states and would have the absolute right to set aside "any judgment of the Supreme Court relating to the rights reserved to the states or to the people by the Constitution."

Prohibiting the federal courts to operate in the reapportionment of state legislatures would be a fatal step toward discrimination against geographical and racial minorities. It would nullify the decisions of the Supreme Court and deprive the federal courts and Congress of the obligation to guarantee a republican form of government in the states and equal protection of the law under the Fourteenth Amendment.

This would be the first constitutional change in our history with the intent and effect of cutting down a federal guarantee of liberty.

The proposal to create a "supreme" Supreme Court is preposterous both in drafting and substance. How could the national character

of our system survive if the final interpreter, as to the distribution of powers between the states and the national government, is to be a body of state judges, when many of them are controlled by state legislatures? As Mr. Justice Holmes said, unless the highest national court is to have this responsibility and authority, there is grave doubt that the union can survive.

Not satisfied with only passing the first two proposals, Missouri House Speaker Thomas D. Graham (D.) pushed through a resolution appointing a special five-member committee to visit Washington, D.C. and urge Missouri members of Congress to support these resolutions. (The *St. Louis Post-Dispatch* reported that Graham declared it passed despite an apparently overwhelming chorus of "noes.")

State legislators rather should face their responsibilities with respect to social ills and urban changes, among others, instead of attempting to kill backhandedly the advances made in these areas by the federal government and courts.

★

IN past issues, contributions made to our "Arts" department by cooperating artistic and cultural organizations had to be kept brief in order to give a broad reflection of as many programs and discussions as possible. This had obvious, serious drawbacks.

In the future, we will devote more space to fewer features concerned with the arts. As a result, articles published will be more exhaustive and analytical. We ask you to bear with us in our search to find the most creative ways in presenting this magazine. We must experiment.

★

GUIDELINES under which trials should be conducted were given by United States District Judge John W. Oliver in the federal grand jury indictment arraignment of former Independence (Mo.) Mayor William H. Sermon early last month. The Court's comments deserve to be read particularly by members of the press, radio, and television. Too often irresponsible editorials screech for severe penalties even before a trial has commenced. Lawyers hold stately press conferences to swing public opinion in their client's favor. All these doings prejudice the case for the jury. Judge Oliver's comments are timely and significant.

" . . . All members of the Bar of this Court and all informed citizens know that the administration of justice in any court in the United States calls into play various provisions of the Constitution of the United States. Under the Fifth Amendment, no person may be proceeded against without indictment of

*Continued on page 28*



Irving Dilliard

## THEY SHOWED THE WORLD

There were two news items in our daily newspapers last month that especially interested this writer. One article told of the death of Herbert Asbury in New York, Feb. 24, at the age of 71. The other reported the death of Harlan Eugene Read in Chicago, on the same day, at the age of 82.

Both Herbert Asbury and Harlan Eugene Read were onetime newspaper men who turned author. Asbury wrote several widely-read books including "The Barbary Coast," "The French Quarter," "The Golden Flood" and "The Great Illusion." Read, who lived in St. Louis for many years and once contributed editorials to the *St. Louis Post-Dispatch* in the editorship of Clark McAdams, wrote textbooks in political science, history, and economics. A generation ago he made a study of inheritance that attracted no little attention. He was one of the early broadcasters and by 1929 was pioneering the new field at KMOX in St. Louis.

But what makes these two men interesting particularly to *FOCUS/Midwest* is the fact that each was a product of the Missouri-Illinois area. Each was born in the Mississippi Valley. Herbert Asbury was born just a little west of the Great River at Farmington, Mo. Harlan Eugene Read was born about as far to the east at Jacksonville, Ill.

Yet, when they died hardly anyone associated either in any way with his birthplace. And it must have come as a surprise to people at Farmington if indeed many of them noted that the author of "The Barbary Coast" was a native son. Similarly, it is unlikely that more than a few residents of Jacksonville would have identified Harlan Eugene Read with their community.

But even though each had long

since left his home town, any biographical account of either must start out with his birthplace.

Do the villages, towns, and small cities take the pride they should in their native sons and daughters? The question pretty much answers itself. If the townspeople do not know of the natives of attainment they can hardly take much pride in them and their achievements.

More than 20 years ago this writer addressed the annual dinner of the State Historical Society of Missouri at Columbia, on the invitation of the then secretary-librarian-historian, Dr. Floyd C. Shoemaker.

Never exactly liking the Missouri slogan, "I'm from Missouri, you've got to show me," the speaker changed things around a bit and spoke on the subject, "They Came From Missouri and They Showed the World." His talk was in effect a fast automobile tour of the backroads as well as the main highways of Missouri with quick stops in first one village or town and then another to see who was born there.

The tour noted not only the birthplaces of the celebrated Missourians such as Mark Twain, Eugene Field, George Washington Carver, John J. Pershing, Omar N. Bradley, Harry S. Truman, and Jesse James, but scores of others of distinction but not world fame. Like Herbert Asbury of Farmington many of these had been away from their birthplace so long that hardly anyone continued in any way to associate them with their origin.

The speaker to the State Historical Society of Missouri had prepared a large map of Missouri with these birthplace communities spotted about the state. As he talked he referred to the marked towns and cities. When he had concluded, one lady in the audience said to him: "All through

your speech, I tried and tried to think of anyone of importance from Joplin where I live. I finally gave it up and had to wait until you got to Joplin to find out."

Joplin had a big red dot on the map as the birthplace of the poet, novelist, short story writer, and historian, Langston Hughes. So little is Langston Hughes associated with his birthplace now that not many years ago the book jacket on one of his own books of poetry ("Shakespeare in Harlem" if memory serves) mistakenly described him as having been born in Kansas! This of course was an error of the publisher, not a lapse on the part of the distinguished son of Joplin.

For years the director of the world-famous City Art Institute of Chicago was Robert B. Harshe, native of Salisbury, Mo. Martha Scott, Jean Harlow, Ginger Rogers, Sally Rand, Tex Rickard, Jeanne Eagels, and Jack Oakie are some of the figures from the entertainment world who were born in Missouri. Almost every community had made its contribution.

A similarly interesting inventory of Illinois could be taken. Here are just a few of the natives of the prairie state now little thought of as sons or daughters: Archibald MacLeish, Don Marquis, Franklin P. Adams, H. Allen Smith, Ernest Hemingway, John Dos Passos, Floyd Dell, John G. Neihardt, Art Young, Rollin Kirby, Helen E. Hokinson, Herbert Block, William E. Borah, John Marshall Harlan, Arthur J. Goldberg, Vernon L. Parrington, Wesley C. Mitchell, James Harvey Robinson, Drew Pearson, Florenz Ziegfeld, Oliver K. Bovard, E. W. Scripps, and Segar, the creator of Popeye.

Missouri and Illinois are people as all the other states are. And they are the people who live here as well as those who move out.



TORTURING THE CONSCIENTIOUS

# Education In St. Louis County

*Francis V. Lloyd, Jr.*

St. Louis County has a school problem. Its 133,874 public school children are in twenty-six autonomous school districts, with great differences in what they offer.

The conscience of honest people is troubled. A letter-to-the-editor published a few weeks ago in a St. Louis daily asked, "What is being done about the schools in St. Louis County?" Assuming that nothing had been done the letter follows up with, "Why don't they do something about it?" This betrays an ignorance of educational efforts in the County. Things are being done.

St. Louis County is a typical suburban community. So is its school dilemma. To reduce the districts in number, possibly to fuse them into one county-wide school district, is one proposal. This was also the major point of our letter writer, using the city school system of St. Louis as an example.

It is notable that very few educators champion the idea of one large district. Large districts, with over 50,000 children, have not proven their educational value. Usually, they become impersonal, inefficient, and suffer from many inequalities. The usual proponents are elderly taxpayers with no children in the public schools, taxpayers who send their children to parochial or private schools, and some politicians who envision possibilities of patronage in a large district.

The suggestion for consolidation into one large district is a common reaction to an earlier development in flourishing suburbs. Then, suburbia was divided into a number of small districts — usually too many. This again was adopted by residents who had fled from the big city, dissatisfied with real and imaginary inadequacies in the school system.

While "local control" is an accepted, strong philosophical base for public education, it can create situations which take extreme measures to correct. For example, for years the small all-Negro Scudder Elementary School District wanted to merge with its neighbor, Berkeley District, which would not consider it. The Scudder High School students had to be sent to the Soldan

High School in the City of St. Louis, a long distance. Finally, the City was unable to accept any high school tuition students at Soldan because of its crowded condition.

In an emergency meeting in the office of George Vossbrink, superintendent for St. Louis County, board president and superintendents of University City, Clayton, Webster Groves, and the two neighbors Berkeley and Pattonville were asked to find an immediate solution. Wellston, Normandy, Clayton, Berkeley, and University City offered to take a portion of the 27 students. Students were ultimately placed in all but the University City District.

Then in 1961, when the assessed valuation under each student in the Scudder District became the largest in St. Louis County a merger was effected between Berkeley and Scudder. The merger raised Berkeley's per student assessed valuation by \$3000.

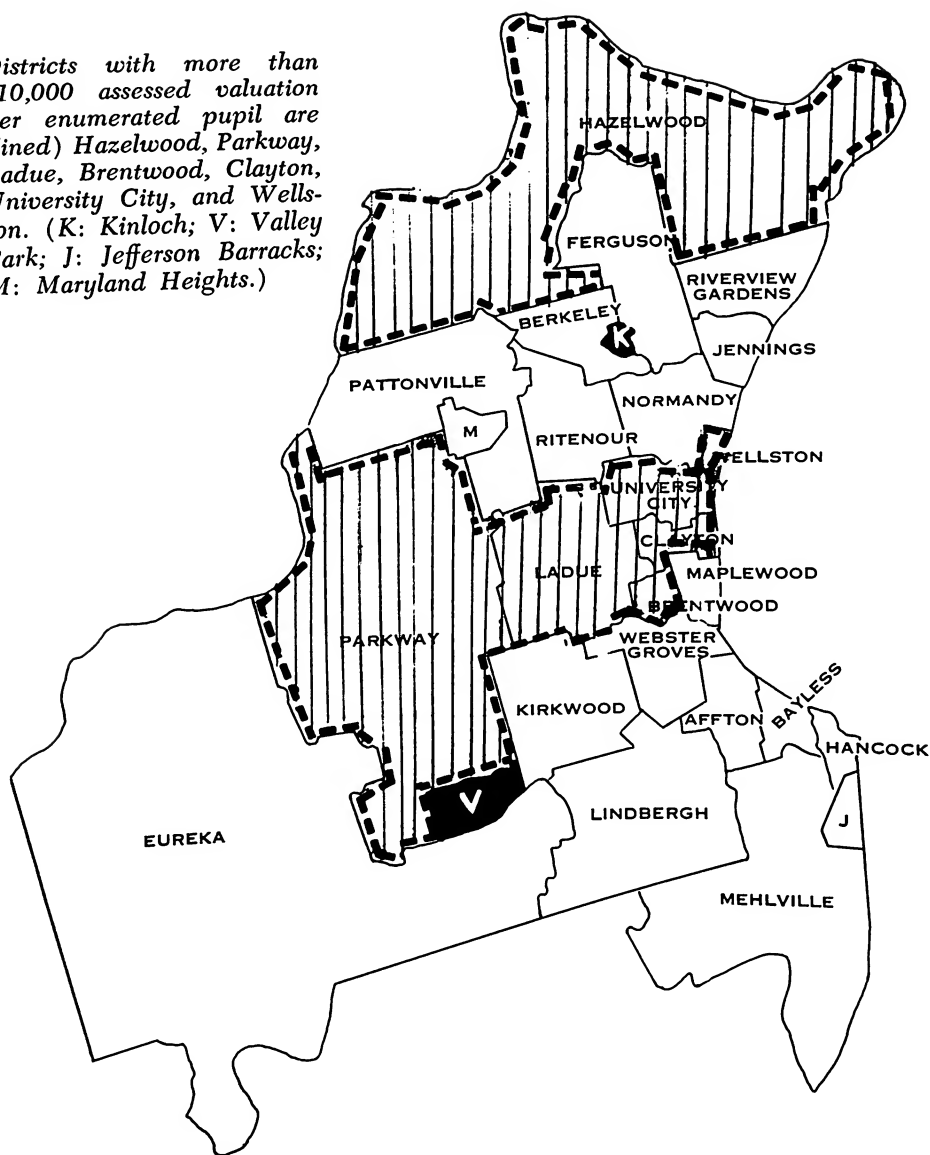
Today, St. Louis County permits the Kinloch and Valley Park school districts to continue to the detriment of the students enrolled. While some persons in these two districts do not want to merge with anyone, it is the surrounding districts, Ferguson and Berkeley in Kinloch's case, and Eureka, Kirkwood, and Parkway in the Valley Park case which must accept the major responsibility.

However, the existence of these two school districts does not mean that the present school district structure should be thrown overboard so that conscientious people can sleep easier. The values of local control, permitting local school boards and individual tax rates, fit into our political system and the freedoms we expect.

**W**HY don't they do something about it?" can be answered in St. Louis County. The story is dramatic and exciting. In fact, the districts have done more than almost any similar area in the United States to minimize differences in opportunity. Viewed from a historic perspective, the County has moved with an extraordinary speed.

★ The first step was taken in 1928 when John Bracken, then superintendent of the Clayton School District, became the first chairman of the Cooperating Superintendents of St. Louis County. He had all the school superintendents meet periodically. This was a unique step in the development of public education. It is still a step that has been taken almost

*Districts with more than \$10,000 assessed valuation per enumerated pupil are (lined) Hazelwood, Parkway, Ladue, Brentwood, Clayton, University City, and Wellston. (K: Kinloch; V: Valley Park; J: Jefferson Barracks; M: Maryland Heights.)*



## ST. LOUIS COUNTY SCHOOL DISTRICTS

nowhere else. Next the scope was enlarged and its name changed to Conference of Cooperating School Districts of Suburban St. Louis. This was more than a change of title. It meant that all school boards were now cooperating in the same way that the superintendents had before.

★ In 1958, the Special District for the Education of the Handicapped of St. Louis County was formed. Milton Bierbaum, now superintendent of the Maplewood-Richmond Heights School District, kept at it until the Special District was established. This District has its own school board elected county-wide, its own taxing powers, and provides education for handicapped children in all parts of the County. It is unique in the United States and provides services which no city, private agency, or any one school district has ever equalled.

★ In 1962 a Unified Budget was

agreed upon by the Conference which finances a county-wide audio-visual department, makes contributions to educational television, a vocational school, and maintains an active Legal and Research Committee and an Executive Secretary's office. A school district can only belong to the Conference if it contributes to *all* the services of the Unified Budget. The result has been uniform benefits to all children.

★ A few years ago a movement was started to establish a junior college district, including the City of St. Louis. Today it exists with an area-wide board of trustees and an independent tax base.

But the dilemma — irrespective of the advances cited — that conscientious people face remains with us: local control versus the inadequacies of some of our County school districts.

A team from The University of



Chicago was employed in 1960 by the Conference to study and recommend steps which would lead to better education for all public school children. The final report of this two-year effort was presented in June of 1962.

The first of three major recommendations was the consolidation of eleven existing into five new school districts, with the rest keeping their present boundaries.

The second recommendation was "the creation of a county-wide special coordinating school district to include all school districts and to which limited functions could be assigned." The special district would have a fiscally independent board of education elected at large, with taxing powers and authority to determine its budget.

The third recommendation was that the office of County Superintendent of Schools, the County Board of Education, and the Special District for Handicapped Children be consolidated into a newly formed Special Coordinating School District. (Legislative approval would be required to create such a district.)

For those who believe in these recommendations the follow through has been disappointing. Only one action has been taken: the merging of Maryland Heights and Pattonville. An amendment to create the recommended Special District was badly defeated in November. Nevertheless, the Conference will continue trying to create county-wide taxing powers so that some form of equalization can be achieved. Now under consideration are a county-wide tax on real estate, a cigarette tax from the County, a lumping of commercial and industrial property tax for county-wide distribution, and an earnings tax for County residents.

It is precisely at this point — tax equalization — that dedicated lay and professional people differ in their views. Some firmly believe that equalization should take place only at the state level. This is a hard position to attack. In terms of immediately improving education, however, it is a painfully slow approach. Why should the state legislature, made up largely of rural representatives, be interested in St. Louis County which is already better off than most of the state? Their home towns are in much more desperate circumstances. If the County waits for the state to act, several generations of children will have left its schools

with inferior educations. Others, who may even accept the view of state action, demand that a county-wide solution must be achieved soon. Their impatience is prompted by the knowledge of poor schooling offered in some districts.

To accuse St. Louis County of not moving fast enough twists the knife in the wound and tortures the conscience of good people. But, unhappily, it is fair. The position of too many lay and professional people connected with the public schools, is ambivalent. Obscure interests, despite protestations to the contrary, seem to dominate their judgments.

A few examples: In the '40s a bill was before the Legislature which would have provided a Special District for the Handicapped, a Junior College District, and a Vocational School. Active opposition from the University City and Normandy districts killed the bill. When the Unified Budget was proposed, Normandy and Ladue districts objected to the "compulsory" clause that all items must be accepted for participation. At the time of the Junior College proposal, the Boards of Normandy and University City, among others, would not endorse the bill as finally passed by the voters.

In balance, St. Louis County has excellent schools. It is creative. It moves. Nevertheless, men of conscience know all is not well. The University of Chicago team came up with one solution. Other proposals may be as acceptable. But whatever is thrown into the hopper, County residents must be activated to evaluate selflessly the proposals and enthusiastically back the right solutions.

And the "right" solutions are those

which help the greatest number of children throughout the County.



*Francis V. Lloyd, Jr. has recently resigned as superintendent of the Clayton (Mo.) School District to accept a position as director of pre-collegiate education and professorial lecturer with the University of Chicago. From 1935 to 1957 he was with St. Paul's School as teacher of English and later also as director of studies and vice rector.*

Chas. K. Berger

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# Stillness in Lincoln,

*Academic Freedom Abandoned,  
Faculty At Town's College Divided,  
But 16,890 Citizens Are Kept  
In Dark By Inadequate Coverage Of Town's Only Newspaper*

In the quiet little town of Lincoln, Illinois, last October 27, a Lincoln (Junior) College instructor of religion, pacifist Quaker minister Joseph W. Letson, picketed the local post office expressing his opposition to the United States blockade of Cuba. His placard read: "Stop U. S. Aggression" and "Must Cuba Be Our Hungary?" Two weeks later, on November 9, nine local members of the Lincoln College Board of Trustees, with apparent approval of college administrative officials, announced their decision to dismiss Letson at the end of the 1962-63 school year. Almost immediately four of Letson's colleagues, two English teachers, the political science instructor, and the journalism instructor resigned in protest.

During the intervening weeks, the incident and its subsequent results were denied coverage in the local and college press by news media and college officials. The actions of the Lincoln press and Lincoln radio station demonstrate their failure to keep the people of Lincoln accurately and promptly informed.

Lincoln's only daily newspaper, the *Lincoln Daily Courier*, edited and published by Mr. and Mrs. John L. Nugent, bears the brunt of the responsibility. Even though a *Courier* reporter photographed and inter-

viewed Letson while he was picketing, no story was published until after the Board decision two weeks later. Nugent, as printer of the college newspaper, went even further in his willful suppression of the news by insisting that the college newspaper could not print a brief summary of the picketing. When the college journalism instructor went to get the galleys, he was ordered by Nugent to keep the article out as he (Nugent) was "friends" with the Board of Trustees and with the college president. When the faculty advisor, an experienced reporter for nine years, refused, Nugent called the college president and persuaded him to prohibit publication. The student paper was due for distribution about a week after Letson picketed and was to be ready for parents visitation at Lincoln College. It is apparent that the story was suppressed so parents would be unaware of the incident. The board meeting with Letson was also held after parents had visited the college.

While primary fault lies with the *Courier*, the conduct of other news media is questionable. Lincoln's only radio station gave no early report, but permitted a phone call from a Lincoln citizen, calling Letson a Communist, to be broadcast. The Lincoln news stringer for area newspapers,

who also heads the local civil defense unit, did not report the story although he was the first to call Lincoln College officials to inform them that a faculty member was picketing. The two area newspapers in Springfield and Bloomington received leads on the story prior to announcement of the dismissal, but both failed to follow up the story. The Bloomington (Ill.) *Daily Pantagraph* neglected to interview immediately the journalism instructor when he resigned even though he is still a part-time reporter on their staff and had been an employee of the paper for nine years.

Although the responsibility of the press is primary, Lincoln College officials share in the responsibility for the lack of news coverage. Dean of Faculty David Stevenson, as a result of the news stringer's call, met Letson at the post office and told him to stop picketing. He warned the instructor that he had placed his job in jeopardy. Yet Stevenson had hired Letson with the knowledge that Letson would not accept any position unless it were understood that he was a social activist. Letson received a note from the faculty dean warning him not to discuss the picketing. The college president also wrote Letson not to contact the American Association of University Professors. On a recent trip to Washington, the faculty dean contacted the organization to dissuade them from reviewing the Lincoln situation, but the organization has begun an inquiry.

The Lincoln mayor, a member of the Board of Trustees, agreed with a City Council alderman at a regular meeting who proposed a resolution that Letson should be fired. The

# Illinois

Byron G. Lander



Mayor said that he could not agree more with what was proposed, but the City Council was not the place for the alderman's resolution. The proposed resolution was printed in the *Courier* prior to the Board announcement, and the stringer sent this report to Springfield. The Springfield newspaper printed the mayor's strong statement, without sufficient explanation.

College officials later admitted in the press that there was public pressure and that the college depended a good deal on contributions. The student editor persuaded the college president to permit a special mimeographed edition of the student paper. In that edition the student editor commented:

Because of the large amount of money given to the college each year, the Board of Trustees had a decision to make: Mr. Letson or the money. Their decision was that Mr. Letson is expendable, but the money is not.

College president Raymond N. Dooley told a *St. Louis Post-Dispatch* correspondent that Letson's dismissal was necessary to prevent the college from laying itself open to a charge of being a "nest of Reds." The *Post-Dispatch* editorially noted that "equating religious convictions with Communist ideologies is a function of ignorance, not of education."

After the dismissal was announced, news coverage was adequate and in some cases outstanding. The *St. Louis Post-Dispatch* presented the first thorough and most accurate account. The *Peoria Journal Star* and the *Springfield Journal* sent reporters to

Lincoln. The *Decatur Herald and Review* was the first area newspaper to publish an editorial. It declared that Letson's dismissal "is shameful for Lincoln College, for its board of trustees, and for the community of Lincoln." The Springfield paper supported the college and included a statement of support from the Lincoln American Legion post. The *Courier* printed the Legion statement in full, but did not print anything on the Illinois American Civil Liberties Union statement which claimed "We believe this action [Letson's dismissal] to be a clear violation of widely accepted standards of academic freedom" and urged that the Board of Trustees reconsider its decision.

The Bloomington, Ill. *Daily Pantagraph*, which responded to reader requests for more information and better coverage, published a second editorial on December 1. The editorial disagreed with Letson, but it violently opposed the suppression of news. It reads in part:

We are amazed that President Dooley did not immediately uphold the student paper's right of expression.

It also strikes us as unbelievable that a responsible daily newspaper, particularly the only one in town, would suppress news of this nature. Legally an editor can print or not print as he sees fit but a community newspaper holds a community trust. An editor should be the first to know what rumor does when facts are absent. Failing to print the facts in such a case—immediately and accurately—is a clear violation of the paper's

public trust.

The Lincoln *Courier* has now put the college in the position of failing to re-hire an instructor because of an action which was so trifling that it was not even worth reporting.

It was the bottling up of the news of this incident which ballooned it out of all proportion to its significance. Had the full light of publicity been allowed to shine, this relatively minor incident would have quickly come into perspective.

Thus academic freedom was trampled by the dismissal of an instructor for publicly expressing an unpopular view. College officials aided and abetted the local news media in suppression of the news so that they could quietly dismiss an instructor whose views differed from those of donors of the college. Many of the people of Lincoln are still unaware of all the facts, as the *Courier* continues to print only part of the news.

Byron G. Lander, a native of St. Louis, Missouri, was beginning his third year of instructorship of political science, business law, and economics at Lincoln (Junior) College when the Board of Trustees announced its decision to dismiss Letson. He was one of four instructors to resign. His open resignation was made immediate by college administrative officials. He holds a B.S. in Business Administration, a L.L.B., and a M.A. in history from the University of Missouri. He is now working for a PhD in Political Science at the University of Missouri



Chicago Heritage Committee picketing before Chicago Art Institute in campaign to regain Ferguson Fund for civic sculpture. Since then the Institute has agreed that future income will be used for civic sculpture.



IT'S LEGAL  
BUT

IS IT MORAL  
????????

CHICAGO Daily News

PENNY  
STATUES  
NOT  
ENOUGH

IS AN  
OFFICE

BUILDING

A

STATUE

PEOPLE

FOR

SCULPTURE

## Our Blind And Toothless Trust Laws/Elinor Richey

**D**ECISIVE action resulted from the report in September FOCUS/Midwest — the first full report ever published — of the Chicago Art Institute's usurpation of a civic sculpture fund assigned to its administration.

The abused trust, the Ferguson Monument Fund, was set up in 1905 by a sculpture-loving lumber man, who directed that earnings from his million dollar estate be disbursed annually to the Art Institute for "erecting and maintenance of enduring statuary and monuments, of stone, granite, or bronze, in the parks, along the boulevards, and in other public places." The September article charged that the Art Institute had commissioned no sculpture with the fund since the 1920's, instead using it for projects of its own, including a multi-million dollar administration building.

Readers responded with a flood of letters to Attorney General William Clark urging him to exercise his duty as protector of charitable trusts and enjoin the Art Institute to direct the Ferguson Monument Fund toward filling Chicago's sculpture void. Among scores of prominent Chicagoans who rallied to the crusade were Mrs. Paul H. Douglas, Mrs. Ellen Borden Stevenson, Sculptor Alfonso Iannelli, Thomas Stauffer, president of the Chicago Heritage Committee, Roy E. Schmaltz, president of the Chicago chapter of Artists Equity Association, and Bernard Wisniewski, president of the Illinois chapter of American Artists Professional League. Chicago Alderman Leon Despres publicly exhorted Art Institute trustees to "permanently alter their policy and announce that they have decided to devote the Ferguson Fund to works of sculpture in public places."

Attorney General Clark took action. In November, he announced that as a result of receiving "many letters from citizens" he had obtained an agreement from the Art Institute that accumulated and future Ferguson Fund income will be used for civic sculpture for Chicago. Numerous suggestions for sculpture and fountain projects poured into the Art Institute. In January came an announcement from Art Institute president William McCormick Blair that a \$130,500 work of sculpture had been offered for the

plaza of Chicago's proposed new \$76,000,000 Civic Center. Chicago's civic sculpture fund was back on the rails, after being side-tracked for a third of a century.

**A**CTUALLY, being misplaced isn't an unusual condition for charitable trusts, even blue chip ones like the Ferguson Fund. These funds willed to perform a social purpose under the direction of trustees have a built-in deficiency: beneficiaries are seldom expressly identified nor can they exercise self-interest. Private trusts rarely go astray. But gifts to private persons are not charity; to qualify as charity and enjoy tax exemption, a fund's beneficiaries must be indefinite — orphans or victims of alcoholism, for instance, but no *particular* orphan or alcoholic.

The purse strings bear watching. Society is the rightful beneficiary of these funds it lavishly subsidizes with tax exemption. And they are far from negligible: over the nation they total hundreds of millions of dollars. Whereas their noisy offshoots, the incorporated foundations, are frequently investigated (most recently by the Patman Committee), charitable trusts get little scrutiny. In a state of such high moral tone as New Hampshire, a look into the charitable trust situation in the 1940's revealed one-fourth of such funds were being misused. Several administrators had diverted funds to uses outside trust purposes, including pilferage. The most prevalent misconduct of trustees, however, was letting funds lie idle while collecting management fees, some exorbitant. A \$90,000 trust had been inactive 47 years, a \$100,000 fund for 18. One large trust with a 20-year reverter clause was discovered within two months of reverting to the donor's estate. A million dollar educational bequest had been withheld, as had a \$38,000 bequest to a hospital. Alarmed by these findings, other states looked into their charitable trust administrations and found highly odorous situations of their own.

Corruption sprang from an enforcement vacuum. Most states had no provision for controlling charitable trusts. Those that did assigned the attorney general to enforce them, neglecting to provide personnel to supervise the

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*Jack Mabley, Chicago Columnist, among others, picked up Expose of "Chicago Art Institute" (September 1962). Article Brought Decisive Action, Reveals Author; Sees Need for Better Supervision of Charitable Trusts.*

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trusts. Unless trust abuse was called to his attention, the attorney general had no way of knowing it existed. Yet, scandal reflected on them. Attorney generals have pumped for state laws that will provide the machinery needed to police trusts.

In the past 15 years, a dozen states have passed charitable trust laws, but most are blind and toothless. Acts in Massachusetts, Rhode Island, New Hampshire, and Illinois provide their attorney generals with a charitable trust director charged with supervising trust funds. But crimped by tiny staffs and budgets, these officers can give only superficial administration.

The legislatures of Ohio, Iowa, Michigan, Nevada, New Mexico, South Carolina, and California have passed laws requiring trustees to file trust instruments and financial reports with state officers, usually the attorney general. These acts not only fail to provide staffs or budgets for investigating these documents, but grant wide exceptions to even these mild controls. An amendment to the Illinois act all but cancels the law by exempting from making financial reports all trusts for religious, hospital, and educational purposes, for operating cemeteries and homes for the aged, all funds with a corpus of less than \$4,000, and trusts held by banks and holding companies. The Ferguson Fund is exempt on the latter count, since its principal is deposited with the Northern Trust Company, which dispenses trust income to the Art Institute.

In exempting homes for the aged, the Illinois act exempts the area of the state's most notorious charitable trust scandal, the George case. A benefactor willed a trust fund and



A \$130,500 work of sculpture has been offered for the plaza of Chicago's proposed new \$76,000,000 Civic Center.

real estate for the purpose of establishing a home for the aged. The fund's trustee mingled the fund with his own accounts, using the money to finance a business corporation, then mortgaged the real estate to get a \$250,000 loan. But this was found out only, however, when he sought even higher stakes. Collecting reservation deposits to a purely fictitious haven of rest, he had pocketed \$60,000 in "entrance fees" when the scandal broke.

Neither Kansas nor Missouri have passed charitable trust legislation, nor does Kansas make any provision for charitable trusts in its state code. The Missouri state code recognizes the validity of charitable trusts and directs the counties to supervise their administration. However, the Missouri Supreme Court ruled in 1928, in the case of Dickey vs. Volker, that the attorney general is the only agent eligible to make court complaint of breach of trust. This confusion of responsibility has the effect of giving the law's eyes to the court and its teeth to the state — a situation hardly conducive to enforcement.

Not one existing charitable trust statute adequately regulates such funds by requiring (one) that trust instruments be registered with the state, (two) that the act have enforcement provision, and (three) that trust beneficiaries be given recognized standing in court. Only ten states now stipulate that trust instruments be registered — a necessary first step before any supervision is possible. Penalties for trustees who fail to comply with charitable trust law are provided in but three states, Ohio, Wyoming, and Indiana. The remain-

ing states threaten the trustee with nothing stronger than removal. In only three states — Wisconsin, West Virginia, and Maryland — may citizens go to court to complain of misuse of trust and foundation money.

The anti-control sentiment that succeeded in watering down the existing legislation was strong enough to defeat control bills in Arizona, Washington, Texas, and Tennessee, and prevented acts from reaching the voting stage in other states. Trustees are strong in power and influence, and they resent interference.

Some observers believe control efforts are on the wrong track in placing hope in the attorney general, whose duty they consider an historical accident. They point out that the attorney general was the weaker half of the old English enforcement team. The king's chancellor was the real enforcement agent at the time we borrowed the charitable trust device from England in colonial times; he had wide powers to control the funds, only calling on the attorney general to plead court cases. The American system, having no counterpart to the king's chancellor, has sought to make do with the attorney general, a political officer whose prime duty is advising other government officials, and whose training and office do not equip him to administrate charity. The poor record of attorney generals in protecting the public's interest even when cases are brought to their attention has been documented by several law school studies, including one by Harvard Legislative Research Bureau. These studies recommend that charitable trust enforcement be assigned to a more suitable agency.

Early chapters in the Ferguson Fund controversy bolster this argument. Chicago's sculpture fund got misplaced with the full knowledge and cooperation of then Attorney General Otto Kerner, Sr., father of Illinois' present governor. In 1933, with an expansion program on its boards and contributions withering, the Art Institute decided to try to divert the Ferguson Fund away from sculpture and to its own uses. The proper way to alter the course of a charitable

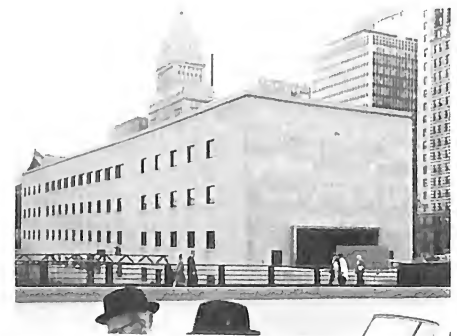
trust is to apply *cy pres*. When a trust can be proven obsolete or inapplicable, the court may substitute another use *cy pres comme possible* to the donor's intent. But *cy pres* would require proof that Chicago did not need sculpture — proof which could not have been established since the city was sculpturally impoverished. And the nearest substitute for beautifying Chicago parks and boulevards with sculpture would be ornamental landscaping.

The Art Institute did not apply *cy pres*. Instead, it got Attorney General Kerner to cooperate in a quiet court action which construed the word "monument" in the Ferguson trust to mean a building and granted the Art Institute permission to use the fund for constructing a building and for maintaining it. Attorney General Kerner filed an answer, pleading no objection to the Art Institute's proposed use of the civic fund and conceded all points raised by the Art Institute. The court decree referred to oral proof, but no oral evidence was submitted. No transcript of any court proceedings appears in the court records. Trust beneficiaries had no voice in the action which removed their benefits.

Attorney Luis Kutner, well-known charitable trust expert, stated recently: "The restoration of the Ferguson Monument Fund to the use intended by its donor demonstrates the power of honest crusading journalism and that even the weak Illinois Charitable Trust Act can be effective in the hands of conscientious public servants. This does not, however, diminish the need for a stronger, revised statute which would give beneficiaries standing in court and would not depend on the man enforcing it for its effectiveness."

England, from whom we inherited

*Continued on page 27*



Chicago Art Institute used charitable trust earmarked for "statues and monuments" to construct museum administrative wing pictured above.

Elinor Richey has edited and written for magazines, including Harper's, Mademoiselle, Country Beautiful, The Reporter and New Yorker. A resident of Chicago, she is married to a history teacher.



**S**TATE Street Grammar School was, as I remember it, a rather dark but placid building dedicated to the tricky proposition that children (six to twelve) must be seen and not heard between the hours of 8:15 in the morning and 3 in the afternoon. For the most part the school functioned calmly enough, but along about five minutes before every hour of any workday State Street's dim oppressive hallways became a pushing, shoving, noisy milling mess that would have taxed the patience and ingenuity of any hard-working traffic cop.

The problem was strictly one of transportation — how to move some 300 suddenly liberated students from certain rooms to certain other rooms without fuss, bother, toil, or trouble.

In those days I was the senior member of the Junior Indoor Police Force, a combination that confounds me today but seemed perfectly logical then. Needless to say I took my task quite seriously, which began some 60 seconds before the bell ending a class period. As enumerated in the *Rules and Regulations of The State Street Indoor Junior Police Handbook*, "you raise your hand high enough for the teacher to see," and careful enough so as not to confuse her into thinking I was raising my hand "for urgent personal reasons."

I had just about time to take a deep breath when the bell rang and out they came pouring into the hallway. Well, instantly I was confronted with Willie who had to tell something to Millie. He couldn't just *tell* her. He had to *yell* it. Even this might not have been disturbing except that Willie was at one end of the hall while Millie was at the other end. Now then, multiplying Willie and Millie by 150, then subtracting — let's say a dozen absentees because of laryngitis and assorted colds, minus a score or so more who were dutifully bound, and even lopping off half-a-dozen others who were polishing apples for their respective teachers — still I was left with a huge, onrushing army, all screaming, screeching, laughing, pounding, socking, and rocking each other merely in passing.

While I, according to the book, had to:

1. *Always smile, no matter what the circumstance.*

Had to:

2. *Never speak harshly to a fellow student.*

3. *Be courteous at all times.*

Had to go through some 15 other rules and regulations for the preservation of peace and order in the hallways of State Street Grammar School . . .

"GEE-SUS KAY-RIST AW-

breath.

Then sweet silence.

Order.

Peace.

Quiet.

I say to you solemnly it was a deeply moving moment such as comes perhaps only once in one's lifetime. Which it did. Once in my lifetime and just for one moment. For in the very next one that came along I was staring up into the face and eyes of a horrified Miss Garritano.

I saluted smartly. That, of course, was not in the Handbook. Possibly I felt the need for a sharp display of dignity. But Miss Garritano was not impressed. In a voice that melted my military bearing, she said: "Come with me, young man."

I went with her to an empty classroom. No classroom was ever so empty, so cold, so fraught with the silences that make small boys perform the shifting-leg dance.

Finally, Miss Garritano opened her attack with: "Young man, are you a Christian?"

In this safe distance of time I am sure poor Miss Garritano meant nothing untoward by her question. She was simply asking are you Christian as opposed to Heathen. But in those days I had a literal mind so I answered: "No Ma'm. Jewish."

That did seem to stop her. But

**Sam Elkin**

# ' THE LORD'S NAME '

The Handbook continued: "From teacher will come a nod, which means you may leave your seat *quietly*." Then, already decked out in my uniform (Sam Browne belt, harness, and navy-blue arm band with the prominent letters I P cleverly sewn into the band), I left the room in a military manner; that is to say, in a "precise but respectful" manner, shutting the door "silently behind you." I then proceeded "rapidly but gentlemanly to your station," the approach to the stairs, eastwing, third floor, rear, the most important post in school since those stairs were the main artery leading down to the second floor.

May, 1963

MIGHTY! WHAT THE HELLAYA THINK THIS IS, A GODDAMN PICNIC, STAY IN LINE, GOD-DAMNIT!"

The effect was instantaneous.

Awe-inspiring.

From one end of the hall to the other came a pause.

A kind of shocked indrawn

*Sam Elkin is a free-lance writer and has published several reminiscent pieces in little magazines. He is a resident of River Edge, New Jersey.*

only for one moment. She regained her composure even as mine wilted away completely.

"Then surely, young man, you *know* you have taken The Lord's Name In Vain."

I shook my head.

"You *dare* deny it?"

"I only said . . ."

"I *know* what you only said, young man. And I say you took The Lord's Name In Vain."

Poor Miss Garritano. She was all of forty then, a rather bony-faced woman, strict, obviously opinionated, though, I'm sure, a decent person at heart.

Continued on page 24

Page Fifteen

**P**ROGRESS often depends upon men recognizing the possibility of "us" becoming "them."

In this sense, two words — mental illness — have been crucial in winning popular support for progress in treatment of the mentally disabled. Illness, after all, is a familiar thing. When the word was applied to the unfamiliar and fearsome behavior of people once called insane, we were better able to understand and care for "them" because we recognized that a similar affliction might befall "us."

It is clear that few words have served society so well as the two we call mental illness. And yet, like any words, they are not perfect descriptions; they can carry so heavy a conceptual burden that differences may be blurred, refinements disguised, and facts veiled. Unfortunately, mental illness is currently in danger of becoming such a word, sometimes serving to confuse rather than help, mislead rather than guide.

This is most likely to be the case when we consider mental illness and the law. For if mental illness is an illness, what has the law to do with it? Why mix law with sickness? In times past, the law blindly threw the mentally ill into dungeons to rot their lives away. Were we not well rid of the notions of "courtroom treatment" when they finally tore down the walls of Bedlam? Why not effect the final progressive step by completely removing legal processes from procedures used in recognizing and securing treatment of the mentally ill?

These are substantial questions that are especially troubling to legal, medical, and social work professionals. The answers are simple if "mental illness" is conceptually adequate, for we could then remove process, courts, judges, and lawyers from current procedures and get on with the vital business of treatment.

There is general agreement that this should be the procedure when individuals voluntarily seek treatment. The debate arises when we consider those who do not agree to accept treatment. Recognizing that they may find treatment of great benefit, we cannot ignore the fact that insuring treatment requires involuntary commitment to a mental hospital. The necessary result is to deprive the individual of his liberty against his will — a deprivation that may result in involuntary confinement for days, weeks, or the remainder of a person's life.

From this point of view, involuntary

# MENTAL HEALTH AND THE LAW

commitment is a most serious business no matter what the reason for it. Indeed, it is an expression, in one sense, of the ultimate political question, i.e., when and how may the state justly take a man's most basic rights from him?

In a free society, the answer is that the state's power to deprive one of liberty must be informed by the most careful safeguards against intentional abuse or negligent application. Unfortunately, the idea of "mental illness" is used by many medical, psychological, and social work professionals as the major conceptual weapon to attack these safeguards. To the degree that they recognize that there is a need for safeguards when deprivation of liberty is involved, they suggest that *they* are all the safeguard that is needed. They assure us that their expert judgment and scientific expertise are adequate protection against abuse and negligence. In effect, we are told that the professional should be free to remove his fellows from society, without entangling legalities, because he knows his fellows' best interest better than his fellows do.

Citizens of a free society generally find this a dubious argument. It is reminiscent of the claims of beneficent and despotic proponents of anti-democratic ideals since the days of Plato. For freedom, after all, is not only strangled by the mailed fist. It can also be suffocated in the grip of hands that "help" against your will.

**I**N a free society we are compelled to recognize the fearsome authority vested in the hands of those with the power to carry out involuntary commitment. We cannot grant uncontrolled, unreviewable use of that authority unless there is proof that (one) the diagnostic science is infallible, (two) the professional can read clearly society's determination of who should be involuntarily confined for treatment, and (three) the professional is incorruptible and immune from negligence.

*Very few responsible professionals make any of these claims. In truth there is nothing like an infallible objective test to determine mental illness; professionals cannot provide the ultimate societal definitions of behavior that should result in confinement and treatment; and like all other men, the professionals are liable to abuse unchecked power or become slipshod in the exercise of unreviewable authority.*

There are some professionals who

FOCUS/Midwest

are offended by this latter point. The safeguard, they say, is their professionalism, devotion to science, and dedication to helping people. They would admit, however, that the power to involuntarily commit would be dangerous in the hands of the unqualified. In this respect, they might consider Aldous Huxley's observation in *Brave New World Revisited* that, "There seems to be a touching belief among certain PhD's in sociology that PhD's in sociology will never be corrupted by power. Like Sir Galahad, their strength is as the strength of ten because their heart is pure — and their heart is pure because they are scientists and have taken 6000 hours of social studies." I suspect Mr. Huxley would not object to extending this analysis to other professions as well.

In another context, Professor Francis Allen of the University of Chicago Law School, an outstanding authority on the integration of law and social sciences, made a related point when he wrote that, "Measures which subject individuals to the substantial and involuntary deprivation of their liberty are essentially punitive in character, and this reality is not altered by the fact that the motivations . . . are to provide therapy or otherwise contribute to the person's well being or reform. As such, these measures must be closely scrutinized to insure that power is being applied consistently with those values that justify interferences with liberty for only the most clear and compelling reasons."

Let us be clear that the professional has an important, indeed a crucial role in the involuntary commitment process. The claim here is for the additional safeguards of due process, the watchful scrutiny of potential review, the values of considering all contentions and facts before the final determination, and an ultimate decision in the hands of a judge, accustomed to and controlled by review, who can weigh all the medical-societal-individual values and interests involved in involuntary commitment.

**W**HAT does this mean in practice? I would suggest that there are eight relatively simple, proven procedures that are basic to maintaining proper safeguards in involuntary commitment proceedings. Most of these procedures, incidentally, are presently incorporated in the Illinois Mental Health Code.

First, after an examination a physician should certify his belief that the

individual requires mental treatment. A statement by a relative, friend or some other person who has observed the individual's behavior should also be required. Both documents provide the court with some empirical evidence that the individual is encountering problems in general society that may require that he be forcibly removed from society and treated.

Second, when these documents are filed, whether the individual is temporarily held in an institution or permitted to remain free, he should be informed by the state of the nature and purpose of the proceeding that has been initiated, his legal alternatives, the processes that will follow and their chronology.

Third, a careful psychiatric diagnosis should follow. Preferably, this should involve two competent psychiatrists with sufficient time to establish an adequate diagnosis. These findings should be placed before the judge at the subsequent court hearing. Should the psychiatrists find the person is not mentally ill, the judge should be required to release the individual.

Fourth, if the individual wishes a jury hearing on his sanity, rather than a hearing before two psychiatrists, that opportunity should be made available to him. In Illinois, a physician must be one of the six jurors. The finding of the jury should have the same status before the judge as that of the two psychiatrists had they held their hearing.

Fifth, the final determination as to whether the individual will be involuntarily committed should be made at the court hearing before a judge who has reviewed the findings of the psychiatric panel or jury.

Sixth, at the court hearing, the friend, relative or knowledgeable person who signed the initial document asking commitment should be available for questioning by the court and the attorney for the individual whose commitment is sought.

Seventh, legal counsel should be available to the individual whose commitment is sought if he asks for legal aid. If he cannot afford counsel, the state should appoint counsel to represent him.

Eighth, a stenographic record should be made of this proceeding as well as the proceedings before the

jury or panel of psychiatrists, thus assuring the possibility of an appeal.

Certainly, these procedures will not guarantee against all error, assembly-line commitments or other forms of injustice. Nonetheless, they provide for the kinds of checks and balances that are the best tools yet created by a free society for insuring fairness when the state seeks to deprive an individual of his liberty.

We cannot ignore the fact that some of the professionals who administer commitment laws will corrupt the safeguards by presuming that the very filing of a commitment action is *prima facie* evidence of mental illness. In their commendable zeal to provide treatment, they will tend to forget that the procedure they administer is designed to determine *whether* treatment is required. Seeing the procedure as a bothersome barrier between the mentally ill and needed care, they may actually come to view their professional responsibility in terms of "protecting" the individual from due process by fulfilling the minimum formal requirements of the law while negating its legislative purpose.

There is no law that can prevent this. Therefore, society and the helping professions have a continuing obligation to review and protect the purposes of the involuntary commitment process in spite of the opposition of those who believe due process represents a dehumanizing experience that serves no more purpose than to prolong the period of time before treatment. For, as Professor Harry Kalven of the University of Chicago Law School reminds us in a recent article, "In proposals for compulsory psychiatric therapy the law tends to see not the benevolent intention but the threat of compulsion, of coercive custody for an indeterminant period. Here, the law's humanism is a barrier to the scientist's narrower view."

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# THE SILENCE OF HISTORY/James T. Farrell

*What follows are the last two chapters of James T. Farrell's new novel, "The Silence of History," which has been almost unanimously damned by newspaper book reviewers. We publish it for several reasons. Anyone interested in Mr. Farrell's work—and who cannot be if he cares about social art in the United States?—will want to see the relationship between the new book and Farrell's other novels. The charge that Farrell has been repeating himself for decades and retelling his own life story is both true and false. It is true literally, as one can see in "The Silence of History." But, it is false because Farrell has been saying symbolically what has happened to him in the past ten or twenty years. Farrell's social commitment, his sense of man as a creature of time, and his monolithic integrity have not diminished since "Studs Lonigan." We see them all in "The Silence of History."*

—Webster Schott

## Chapter Twenty-Two

### I

I remember the day in July 1926, when I quit my job as a filling station attendant of the Rawlinson Oil and Refining Company. Mr. Wood, my boss, Superintendent of the Service Station Department, had given me new evidence of his faith and confidence in me. Deacon and Howell, the supervisors, had been riding me, and turning in reports which gave me demerits. That was when I read, for the first time, Bertrand Russell's essay on "A Free Man's Worship," from his book, *Mysticism and Logic*.

It was not by chance that I went to the library after quitting my job, but it could be chance that I should have read the Russell essay. For it and my action in quitting my job were a climax, an ending and a beginning for me in a youth which may seem abnormal because it was so much devoted to study and preparation for the future—for my future—and in that youth so much dedication was given to some of those virtues which are hailed far and wide in America.

That July day was like the end of an act in a drama of mind and spirit, but it was an undramatic drama because there was no slugging conflict, no victor and no defeat. Nor did this act end with a promise of love and happiness, or with the loss of love. It merely ended in decision and

realization; it was merely my day of choice, of resolution to face the greater unhappiness that may come in tragedy, and to face it openly and simply, rather than to devote myself to the lesser unhappiness of taking one more step on the climb up Horatio Alger's ladder, where I might go slap-happy, might break an ankle, or might shove my feet into somebody's nose and squash it.

The climax of that day is, alas, not of the stuff that books are made of; it is only of the stuff of which lives are made or unmade. The man who takes a chance and speculates in money, that's the stuff that is dramatic; the man or youth who takes a chance and speculates on his freedom and destiny merely makes a decision, so who cares? And who should care?

I made my decision to quit casually and as though on impulse. It was impulse. But impulse is not whim, divorced from character, and always willfully irrational and irresponsible. It is that to those who make easy decisions look like hard choices while they surrender to the allurements of a slow or fast upward movement on that Horatio Alger ladder.

Mr. Wood was fair and a gentleman, but he could not understand my decision. Nor could I explain it to him. He told me that he had lost his faith in human nature. He would have been kind to me, had I stayed, just as he had been kind before that day. And my interview with him had already amounted to a tacit slap in the faces of Deacon and Howell, who had been riding me. For I was not bawled out as they might have wished, and as they needed me to be, following their reports on me, and in prospect of the future reports which they might have written had I stayed

on. No, Mr. Wood had not given me a lacing-down, he had not talked cruelly or coldly. The agreement to a vacation which came readily and with quick sympathy was a concession by Mr. Wood; this was not company policy.

I couldn't have helped it—that is, I could not have done otherwise. I had to do it by necessity, a necessity which was essential for ambition's freedom, inner freedom, freedom of my soul and spirit.

In March 1925, I had gone to work for Rawlinson. In June 1925, I matriculated at the University. All through that period, and even prior to March 1925, I rarely lived as youth was living, as most of my generation, especially my friends and acquaintances, were living. In their terms, I was making a sacrifice, and perhaps I was. Possibly I was giving up much of my youth. But I had learned quickly that this did not matter. Saturday nights came and went, and I sat studying, hearing no horns blowing, dancing with no wonderful one who was love's lovelight, and a keen mama to boot. It became harder to get a date when I tried. And with time passing, that didn't matter so much. There was an accretion of something else. It was in myself. It was the force of will.

Warnings came to me, some friendly, some not so friendly, some contemptuous.

—You're overdoing it.

—All work and no play . . .

—You'll end up in the booby hatch.

—You got to have fun.

I didn't despise or disdain fun. But I was not of that class, race, type, and status which easily advances in the world. I had to make extreme efforts. There was no other alternative. Had I been less extreme and not taken risks, I should only have been playing at gaining an education.

And I had overdone it before. On the high school gridiron, I'd taken risks. That was fighting spirit. I'd drunk with the boys, and almost killed myself. That was wild stuff, and Ryan could drink himself under the table.

I began overdoing it in another way, for another reason, and with another end in view.

—Ryan, you don't have to kill yourself.

Men had killed themselves with

From THE SILENCE OF HISTORY  
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Inc.

knife and fork, in the stock market, in business offices, by giving more than they could afford of health to working for companies.

I had, then, been overdoing it for almost two years, overdoing it by study, by loss of sleep, by almost ceaseless observation and thought. There had been strain and worry. Tiredness. Nervousness. But I had slowly learned how to carry some of these strains.

That had been the choice I was required to make—overdo it, or fail to develop.

## II

When I sat in Mr. Wood's office, I had had behind me those two years. My seemingly impulsive action had come out of the changes within me growing out of that overdoing it; out of that I had learned and come to believe what the probable future would be. I did not need to think that what I had already given thought and study to, and I did not need to think at length about what I must do to go on. I could act on impulse. In this case, impulse was the decision to continue on the road that was mine, and not on one that was paved to lead me away from where I would go.

However, there was no explaining this. I respected and was grateful to Mr. Wood, but I believed that his ideals would betray me, and they might also betray him. I had worked for two big corporations, controlled by men who did not know me and who were far away. I did not know what they would do, and I couldn't

study, as I did study, in order for them to find me and lift me up some rungs on their ladder. And I was not seeking to learn what they would have required. Men such as they spoke of more and more prosperity. I read of this in the newspapers. I didn't believe them. I was already convinced that the prosperity we were enjoying would go tumbling down in a new cyclical depression. I was beginning to see, by anticipation, a future quite different from that in which Mr. Wood believed. Not only was there to be a cyclical depression, but also war would come, a second World War. That I believed as though it were knowledge. More personally, competition and rising in the world would mean my contending with fellows like Deacon and Howell. I should only have had trouble and more trouble with such guys.

There was no discussion of these questions with Mr. Wood, and I knew there couldn't be.

For I was no longer seeking Success as it was viewed in business.

Out of such views and prognostications my decision had come.

Thus, I did quit on an impulse.

## III

For the first time since my graduation from high school, I was out of work. It was of my own choosing. It was a consequence of, an act of my own will. I had done it. I had put myself out of work.

But in fact I had retreated when I could do so easily. I should have found this more difficult had I waited. This is how my action of that July day seems when it is viewed in retrospect.

Yet, it was serious. It was as serious as the burning pits of Hell are to a sinner.

Without work, what was I, and what could I do? How could I continue my education? And I must become educated, or my soul would die. This I knew.

There were no doubts in my mind about the seriousness of my situation. But I had risked. And I had been right in risking.

This conclusion settled in my mind, and I remained convinced of it even though I was not equally sure of my stamina and character. I could be right and yet I could fail. There was doubt in me, ominous, portentous, a silently threatening doubt which was stalking the edges of my mind, and which could spring upon my confidence and courage and devour them.

It was most fortunate that I was alone, and remained alone, going

to the library to read. I escaped the diversion of having someone else drive my doubt howling upon my courage, and perhaps of weakening or confusing me. I could more easily clasp and hug my conviction that I was right, that I had taken the right action, without having to explain or defend it to anyone. My loneliness of the previous months was my protection, my sense of added strength. I was able to believe that I had acted with courage and to lift up my own morale.

I knew that I had done more than merely quit a job. My act was an assertion, an irrevocable step toward freedom. It placed me more on my own and without protection; but also, it put me in a situation which called upon me to struggle with more driving grimness and more will than ever yet I had.

I was fed up with my job at Rawlinson's. When I had begun, I had believed in a future in business and corporation law. I had believed in stick-to-it-iveness, in the victory of merit and loyalty, hard work, and intelligence. I had seen a future in the oil industry such as there was not at the Express Company. I had believed that businessmen were smart, brainy, clever, worthy of admiration, and able to control and manage what they were doing. I had believed in the practical and in experience, as well as in knowledge. One without the other would be insufficient. My whole experience had tended to confirm this belief. I couldn't be a carpenter, fix things with my hands, and I had no experience of any consequence in trying to do such things. There had been no manual training in parochial schools. But I had had a physical, athletic boyhood, not a withdrawn one because of lack of ability or of timidity, for I was not athletically timid. In sports, I had learned to do innumerable things with my body, to use it or parts of it as an instrument, and mostly I had taught myself. From the age of seven on, I had thought about the sports I liked. The amount of thought I gave to sports in boyhood and up to about the age of eighteen was really vast. And then, I had absorbed a considerable body of details about business. Half-listening when my uncles talked about the shoe game, and selling, I had picked up fact after fact. These facts, about selling, mark-ups, prices, advertising, turnover, good and bad seasons had, as it were, entered one ear but they had not gone out by the other. My Aunt Jenny had spoken of hotels where she worked, and my

James T. Farrell



## The Silence of History

father about the Express Company. Then I had worked at the Express Company, before getting my job at Rawlinson's.

I was a young man of twenty-two, a person, not a category called student, or another category called gas station attendant, nor a type called young blood, nor a division in parts, one part worker, one part student with ambition, one part young fellow who wants girl, and one or more additional parts that belonged to the notions and prejudices of anyone else. I was no one's type, no one's allegory, no one's illustration of any kind of preconception, trade-marked capsule or anything else.

I was myself.

And I have lived without the grace of plotted graphs and all the other methods and means that the erudite, the knowing, and the unknowing who think they are the knowing, find and use so as not to know what human beings are like, and what they can do.

What affected me was what had come into my life, what had reached my awareness and consciousness, what had been received by and through one of my senses. I had been offended by what had so been absorbed.

And gradually, I had used and drawn on my experiences and memories outside of the University, trying to correlate what I remembered with the ideas and the contents of the subjects I had studied, and with the books I read. I had not merely been studying subjects; through these, rather, I had been studying life. Life was in books and it was in all of my years and memories. There were lies in books, and there were also lies outside books.

I used what I remembered, and I tested what I used from memory. I had not had highbrow prejudices against business and businessmen when I matriculated at the University. But I came to see later that I had quit Rawlinson because I had changed my views and values, and did not see my future in any way associated with business. Perhaps it would have been more immediately if I had taken a poke at Deacon and been fired. But it would have been a far less significant action than the one I took; it would have been without, or with few consequences in my self-development, and with little to help me find its meaning.

### IV

Sitting high up in the Crerar Library, I was full of wistful pathos for freedom. If I could spend long hours

in libraries, reading, I would perhaps become an educated man. I envied those about me, mostly males, students apparently, but some were older men. They sat poring over books, and some were taking notes. I ought to take notes too, I guessed, but there was so much more pleasure in reading. The hell with notes!

Once I had started reading in the Library on that July day, my perspective of myself as well as my immediate concerns changed. The Rawlinson Oil and Refining Company shrank out of my mind, and my sense of myself faded in concentration upon the open pages of the book before me on the table, where I sat alone. The reading room was smaller and quieter than the large main reading room of the Chicago Public Library across the street; there was less shuffling of feet and movement of people; the windows were to my back, and they were opaque. From far down on the street below, the sounds of traffic rose, but it was too early for nervous drivers to be jabbing their horns, and the reading room was veritably quiet.

I was free. I felt free and my wish and need of freedom were a poignancy of yearning. And after quitting Rawlinson, I needed freedom, more than ever. For I had gone so far in change—change of values, change of purpose—that I must go on, or I would be guilty of self-betrayal. I had taken a direction which must lead me on and on along a hard road. It was one where I would have to go unprotected, except by myself. Knowledge was my protection. I must have the time and freedom to gain it.

All of this I did not foresee in sharply outlined clarity and with a decisive, prophetic logic. I sensed, I knew, I guessed, I realized this. It was apparent. I had chosen to fight, because in my mind and in my heart I had said "No" to the values, even the sacred ones, of my times.

Thus it was. Thus I was.

And I read.

"A Free Man's Worship," from *Mysticism and Logic*, by Bertrand Russell.

I lost myself in this essay and in thoughts, not of my fate, but of man's fate.

Yes, I thought, I must try to live to the end with "unyielding despair."

And yes, I thought, "a long march through the night," and yes, to be "proudly defiant" until "the slow, sure doom" should "fall."

Yes, even though the final doom be an oblivion of static energy in

the clockless waste and eternity of entropy, it still could be, and it would be, and it was, that man had had the pride and bravery of aspiration and truth, even in the face of utter doom.

I could accept the struggle with fate, I could march through the night, knowing that beyond the last darkened horizon, there would only be a flattened waste of energy in that clockless eternity of entropy. And to accept that fate and to go forward—that was victory enough. That was victory without reward, without pay; it was victory with only the honor of the soul of man.

### Chapter Twenty-Three

Eddie received a letter from the University on the morning after he had quit his job with Rawlinson Oil and Refining Company. Before he tore the envelope open, he was certain that he knew what information the letter would contain. He was correct.

He was informed that he had won a Freshman Honor Scholarship as one of twenty students with the highest grades.

And five days later, he got a job as a service station attendant with the National Oil Company of Illinois, thanks to the intervention of Mr. Leeson.

He began trying to write, and sending out a few manuscripts, mostly satirical pieces.

In the fall, when he saw Thelma Carson on campus . . . what?

He asked himself this question often.

The summer of 1926 passed. Eddie was assigned to a new station at 47th Street and Bishop Street, at the southwestern boundary of the Union Stockyards. The air stank on hot days, and swarms of flies invaded the station. Eddie fought them with a Flit gun. There was little business. Traffic pounded and shot by on 47th Street.

Eddie read books, dreamed, fought flies, and the air was often sick with the stale odors of the stale blood and intestines of slaughtered hogs. Sometimes he shot craps across the street in the dirty candy store of a Bohemian who used loaded dice. On his first Saturday night of work, a drunken Polish stockyards worker slashed his wife with a razor, and was taken away by the cops in a paddy wagon.

The days passed.

He read *Les Misérables* by Victor Hugo.

Killing flies with the Flit gun, he wondered and pondered—If it had not rained on June 17, 1815.

The summer seemed slowly to pass.



Here is the truth about trees:  
I would no more be familiar with them than with a tiger.  
Not that they will bite  
(They will only eat you up when you are dead — and your dog),  
But they are of the same order of wildness.  
I look at them carelessly only through the window  
As at beasts in the zoo.  
Even then I smell their odor named "Beware."

And walking by them down the road  
I have to grant their right to possession of the earth  
For they grow in perfect obedience to the laws of nature:  
On this ball rolling through the heavens  
Their million sucking roots take grip like claws,  
Trunks rise and open into fierce branches and glittering leaves,  
And they stand up in the sky,  
Heads waving among the stars,  
Risking outer space with its terrifying view:  
The giant breed, of which we are the pigmies.

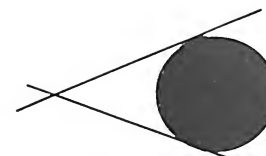
Walking up the mountain through the pines and birches  
We came over a rise and saw  
A hidden valley like a bowl open to the sky.  
All around the green trees stood tall in chorus  
And in the center a pool blue as the virgin's mantle.

To have had that vision is to be alone  
Although it is far away like childhood.  
Did we dream it? Here in this flat country  
When the day is perfectly clear, sometimes,  
We look up from work and see the treetops  
Against the blue open sky like that mountain lake  
Long ago in the original wilderness,  
And turning back to whatever we are doing with our lives  
Realize the loss, the terrible loss.

When the witch puts the Princess to sleep for a hundred years  
Or turns her into a hag or a bird or a frog,  
The Prince, being the best-looking number around  
And, furthermore, having the virtues of being clever  
And courageous enough to face magic and its menagerie  
And being compassionate for the ugly and lowly,  
Releases her from the shell of the spell that held her  
And they go off into a rosy dawn of marital bliss  
With the half-kingdom in their pockets  
That by inheritance will someday be whole.

Life, you say, does not turn out like that,  
Being usually a question of half a loaf  
Rather than half a kingdom;  
And I agree it is only a story  
But we all believe in it deep down.  
Although Prince Charming with his luck and looks  
No longer exists, and helpful forest creatures  
Who might have taught us tricks no longer speak to us,  
It is still true that we are all under spells,  
And until we take on the power of the witch  
To lay them and lift them, we are helpless.  
Myself I have not succeeded in doing this yet  
Though I shall never give up trying.  
Under the guise of the confused and aging man,  
Who knows, I might be a prince,  
And once up on the prancing white charger  
The cries of a princess in distress might set the story going again  
And the morrow find us kissing in the dawn.

*Edward Field's first volume of poems, Stand Up, Friend, With Me won the 1962 Lamont Poetry Prize and will be published this spring by Grove Press. Mr. Field writes that there had been 'so many years of trying to get it taken (22 rejections) that I had come to accept failure.' Mr. Field lives in New York, has been employed there as an actor, machinist, warehouseman, and office worker. He is currently traveling in Europe.*



## DATELINES



Harold Pinter's *The Caretaker* is the current production at the Playwright's Theater of Chicago's Second City company. The play was produced in England and on Broadway to a good deal of acclaim. It is considered by many reviewers to be an outstanding example of the so-called "Theater of the Absurd," and Pinter is felt by some to be England's outstanding new playwright. Thus there is good reason to discuss the play in these columns. But there is a more important reason why *The Caretaker* is interesting. It is that the play seems to me to exhibit the defect so characteristic of much writing, both prose and poetry, since the war: it is not at all a deeply imagined work.

*The Caretaker* concerns three people who live grey, meaningless lives in an isolated pocket of existence, far removed from even the periphery of life's mainstream. The characters are Aston, a down-and-nearly-out individual; a noisy old panhandler whom Aston befriends and gives lodging in his seedy, littered, one-room basement flat; and Aston's brother, Mick. As the play progresses, we learn that Mick owns the flat and that he supports his ailing brother, not only by supplying him with a place to live, but by evidently giving whatever scraps of money Aston needs to keep himself going. We also learn that Aston recently suffered an emotional collapse, that he was confined in a mental hospital, and that he was given electric shock treatment against his will. He was released when he was able to cope with reality, if at a very low level.

Mick also has his problems. He exhibits broad streaks of sadism, and we are led to believe by key speeches in which he babbles an exaggerated version of the lingo of the world of interior decorating, that if he is not

a homosexual, he at least has problems as to who and what he is. Mick owns his own business, at which he is moderately successful. We do not learn what that business is.

We can share a modicum of sympathy with Aston and Mick, two essentially pathological types, although such sympathy, or empathy, diminishes greatly during the course of the evening. But I submit that few in any audience can find much to care about in the figure of the old panhandler. In no time at all he seeks to enter into a conspiracy with Mick to throw the defenseless Aston out of the apartment. The panhandler's idea is that he will then live in Aston's place as caretaker in the employ of Mick.

I have no quarrel with the author's attempt to take his audience into the lives of these three terribly maimed individuals. My quarrel is that he never succeeds in doing so. Pinter does succeed in manipulating his audience's feelings for part of the evening, but he does not involve the audience deeply in the fate of his characters. That is, he has sure skill in handling the purely theatrical elements of the theater; he creates and holds suspense and is skillful with blackouts and curtain lines, but *theatrics* is not drama. Theatrics is to drama what rhetoric is to poetry: it conceals an emptiness of purpose and vision on the part of the author.

I believe that such is the case with *The Caretaker*, for the following reasons. None of the characters have anything like the degree of self-knowledge that makes a character in a play, or a live human being, interesting to anyone but to a psychiatrist who treats the very ill. And there is a prior quality missing in Pinter's people: they lack the power to love.

What does this mean? It means that Tom Earhardt as Aston can sit glumly on his cot and soliloquize about his shock treatment, or he can search about for a pair of shoes for the raucous old bum; but Aston never really cares deeply about anything, neither the bum he so casually befriends, nor the shoes of which much is made, and least of all about his own pathetic

condition. Sure, one day he is going to build that shed out in the back yard that he talks about, but he doesn't really care much about this either.

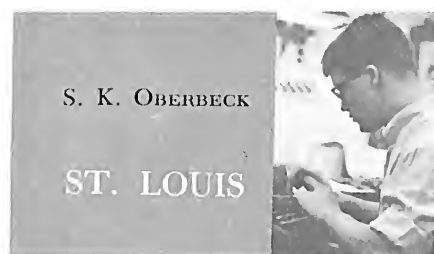
This same pathological lack of self-awareness and of the power to love is evident in varying degrees in the other characters in the play. And, I submit, an audience can be *curious* about such characters, but over the course of a long evening it can't care deeply about their fate. Why should it, if the characters scarcely care themselves? The panhandler, for example, behaves throughout like an ancient infant: he sleeps a good deal, demands everything, gives nothing, and makes spurious attempts to go somewhere to get papers of some kind that will presumably legalize his existence — yet another interesting trick on the part of the author. Mick, on the other hand, in his warped and brutal way, does exhibit some love toward Aston, but he is too blighted to exhibit much. If he cared more deeply about his brother, then the element of moral conflict would be present in the play, and, on a basic elemental level. As it is, the play's "conflict" revolves around a guessing game: is Mick going to throw his brother out of the apartment. The issue never reaches any moral significance because Mick is not consistently involved with the "problem" and Aston is not even aware that the problem exists, despite broad hints from the bum. Anyway, he would probably shrug and walk out, if it came to that.

A comparison with William Faulkner's *The Sound and The Fury* will shed light here, because, as everyone knows, the first section of that magnificent book is narrated by a character who in some ways is more blighted than any in Pinter's trio. Nevertheless, we are drawn closely to him and we care deeply about his fate. This unforgettable person is Benjy, the idiot. And we care about Benjy precisely because he feels, fears, hopes, loves, and is caught in a scarcely bearable tension between his half-knowledge and his emotions, and his blighted ability to act. Indeed it is exactly the fact that Benjy is n

reduced to the status of an infant or a vegetable that makes his life so heartrending, so human. In his tragically shattered way, Benjy both *loves* and is *aware*. Here he is talking about his beloved sister Caddy, and remembering (we wonder how accurately) what she said to him: "Why Benjy," she said. She looked at me and I went and she put her arms around me. 'Did you find Caddy again,' she said. 'Did you thing Caddy had run away,' Caddy smelled liked trees."

With Faulkner, of course, we have, thankfully, a literary imagination of the highest power, one that attempts to use every shade and rhythm of language to learn and get down on paper essences of human feeling. Indeed, Faulkner's writing is one of the landmarks of that great flowering of the literature of the individual (Yeats, Proust, and Joyce are other peaks) that blossomed originally as a reaction against the mechanistic metaphysics of the late nineteenth century and to its counterpart in literature: naturalism.

But with Pinter, and with much of the literature of the postwar period we seem to be dealing with a new crop of monochromatic naturalistic writers, who, despite surface bows toward dada, surrealism, and other supposed manifestations of the unconscious, are actually more interested in people as the static product of social forces than as individuals who grope, think, fear, and feel.



You can be arrested now for going too fast in a parked car here. Exactly. Summoned under the stern hand of judgment for speeding while stopped. The law provides.

This little anachronism results from an announcement last month by St. Louis Park Commissioner Thomas J. Purcell, who said that torrid embraces and related fast action in cars stopped in city parks have got to cease. Forest Park is this city's largest and contains notorious and traditional trysting spots near the municipal Art Museum.

In a memorandum to his park police

force, Purcell reported he found that "lovemaking in parked cars has increased in extent and intensity to a point where action must be taken." Now here's a grass roots park commissioner, surely.

He went on to cite an ordinance that forbids "acts or demeanor calculated or tending to mar or disturb the feelings or enjoyment of (park) visitors," informing his 21 gendarmes that "too ardent embracing" violates this code and will be subject to written warning or arrest. Hence, officers patrolling the 1300-acre park can swoop down upon amorous couples with the sureness of a blue-stocking's umbrella. Whap! Take that, young man!

And the young man, of course, is the person who alone will suffer consequences (the lady goes scott free) if caught taking advantage of a fat spring moon over romantic lagoons now invitingly baited with balmy mists, blooming forsythia, and maddening spring zephyrs. The timing of the department's edict seems analogous to asking werewolves to stay indoors during the full of the moon.

Well, no fault should be found with Commissioner Purcell personally. He's only doing his job. Right? And the argument that Aunt Sally should not be forced to look the other way because some hot-rod Romeo is parked in front of the begonias is valid, democratic and in the great American tradition, isn't it? But one can ask how the decree will be enforced? How ardent is "too ardent?" What approach will enforcing officers take?

A touchingly decorous *modus operandi* is proscribed by the Commissioner. Citing a suspect car, park police are instructed to pull up behind and wait a few moments for any hot-and-heavy business to subside. If lovers are so star-crossed they fail to notice they are not alone, the patrol car "may move around in front," and a written warning notice may be issued in the case of first offenders. Sterner stuff than shake-finger warnings. awaits second offenders, who will be given a summons to court.

Now methods to be used for waking otherworldly appassionatas to the fact they are not alone have not been formally set down. But we know we can depend on park police to go along with Mr. Purcell's general tone. A polite cough, prolonged clearing of the throat or gentle tap of the nightstick on the window should bring even the most hardened backseat

Charles Boyer around to terra firma again. Perhaps a probing spotlight can be countenanced in the case of really vicious spooners.

Whether the park department, for the public good, has taken the bull by the horns or the lion by the tail remains to be seen. But tough sledding is forecast for the department during winter weather. Why?

Consider the little matter of steamed windows. Yes, windows so befogged that clear observation is impossible. Now what police officer, in good conscience, can issue either warning or summons to empassioned grapplers he can not even see. And if he detects suspicious glimmers? Well, arrests must be based on firmer grounds than observation of shadows, mere specters or illusions.

And think of that first contested case, "The Fogged Window Affair." Defense counsel leaping to his feet; protests of "*non constat, non constat, non culpabilis, nil debet*" ringing round the courtroom. And the State, frustrated, doggedly asserting that "the amount, ladies and gentlemen, the *amount* of fog generated is directly proportional to the intensity of action inside the suspect's automobile. . ." And defense countering by showing that befogged windows nullify the violation of the ordinance forbidding unseemly public display: "And in conclusion, ladies and gentlemen, since the suspect couple could not be seen. . ."

Ah yes, come winter, we forecast a juicy batch of proceedings here. Just now, the old park doesn't seem the same.



Our daily papers refer often to the conflict between the press and authority. Certainly thoughtful Americans agree with John Stuart Mill: All opinions must be heard; the press must be free; truth crushed to earth will *not* rise again on its own initiative.

These statements come alive in the case of two English journalists as reported by the *Manchester Guardian*. The House of Lords Appeals Committee refused "to grant two reporters the right of appeal against sen-

tences of six and three months' imprisonment for refusing to disclose their source of information" as demanded by a judicial tribunal.

Slogans abound: "All the news that's fit to print;" who decides what is *news* and what is *fit*? How can an executive carry forward negotiations and political maneuvering if it becomes necessary to carry "open diplomacy, openly arrived at" to the dotting of the last i? And what of the responsibility of the journalist? His ethical code as a professional journalist requires that he respects democratic society; and his intellectual responsibility demands that he withholds as well as broadcasts news.

Here, it seems to me, is another example of the paradoxes in a democratic society. The highest standards of integrity are required of the intelligent professional. But in marginal cases who is to say what information should be withheld, what news is fit to print?

## ELKIN

*Continued from page 15*

"Well, young man?"

Besides, I was thinking of old Father Duggan who had his church around our way, and who was always getting into our stick-ball games in his courtyard. I was recalling one particular day when he took a prodigious swing at the ball, slipped, went flying and cracked his bottom with an unmistakable: Goddamnit! — then peeked up into The Lord's Countenance and murmured a plaintive, apologetic: Forgive me, O Lord, but that one really hurt.

"You haven't answered me, young man."

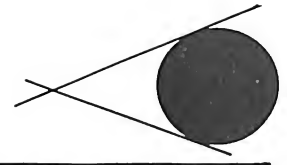
I could see it was hopeless. Father Duggan, I knew, would have been more understanding. So I finally said: "I apologize."

"Ah!" she said, and sadly I noted her triumphant expression.

These many years have passed and I have had much time to think things over. If by any chance Miss Garritano is in the audience (it's very unlikely) — but if she is I must, here and forever more, insist that I did *not* take The Lord's Name In Vain.

How could it be in vain? Didn't it work? Didn't they shut up? Didn't she see with her own eyes the way they hopped to it? Hear with her own ears the sudden sweet silence? How could that *possibly* be in vain?

*Page Twenty-four*



## FOR THE CONSUMER

### Federal Trade Commission

**Consent Orders** (Respondents' agreement to discontinue challenged practices is for settlement purposes only and does not constitute an admission of a violation of law.)

Silent Maid Co., Inc., 2545 Wallace Drive, Flossmoor, Ill., is forbidden by a consent order issued by the FTC to misrepresent the guarantee on kitchen sink garbage disposers or any other merchandise it sells.

Marvin Polk, trading as Parker Fur Co. and Re-Sale Fur Salon, 220 S. State St., Chicago, has consented to a FTC order forbidding him to misbrand and falsely invoice and advertise furs.

### DISMISSALS

The FTC dismissed charges that Crane Co., 836 S. Michigan Ave., Chicago, violated the antitrust laws.

A FTC hearing examiner has issued an order which would dismiss, for failure of proof, charges that the following three affiliated Chicago, Ill., mail order concerns have misrepresented they operate a wholesale business exclusively, have used fictitious "retail" prices, and have made deceptive pricing and savings claims:

Co-Op Electric Supply Co., and two wholly owned subsidiaries, National-Porges Co., and May & Halas, Inc., all of 822 W. Jackson Blvd.

### ORDER

The FTC has ordered Halsam Products Co., 3610 Touhy Ave., Chicago, a manufacturer of toys, games, and hobbies, to stop discriminating among competing customers in paying allowances for advertising or other publicity in any printed buying guide distributed by its customers.

L & M International, Inc., 415 N. 8th St., St. Louis, has been ordered by the FTC to discontinue its deceptive pricing and savings claims. The concern does business as L & M Co., and is a mail order distributor of electrical appliances, small tools, and household items.

**Initial Decision** (These are not final and may be reviewed by the Commission.)

Waltham Watch Co., 231 S. Jefferson St., Chicago, and its officials, Harry Aronson, Ben Cole and Morris Draft, have fictitiously priced watches, misrepresented their jewel content and guarantee and deceptively used the Waltham name, a FTC hearing examiner ruled in an initial decision containing an order to cease and desist.

A FTC hearing examiner has issued an order which would dismiss, for insufficient evidence, charges that Sans & Streiffe, Inc., 565 W. Washington St., Chicago, has made deceptive pricing and savings claims for its merchandise. However, he found that the concern has made false guarantee claims for various products it sells, and ordered this practice stopped.

An order by a FTC hearing examiner would require Dandy Products, Inc., 9 S. Clinton St., Chicago, Ill., its president, Joseph M. Gron, to stop selling merchandise through games of chance and supplying others with lottery devices.

A FTC hearing examiner has issued an order which would require United Biscuit Co., Melrose Park, Ill., to stop discriminating in price among competing purchasers of its biscuit products.

### FINAL ORDER

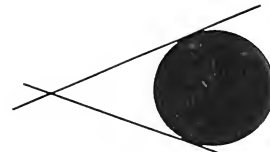
A final order announced by the Federal Trade Commission requires J. A. Folger Co., 330 W. 8th St., Kansas City, Mo., the nation's second largest coffee manufacturer, to stop discriminating among competing customers in paying promotional allowances.

### PROPOSED ORDER

The FTC has ordered National Bakers Services, Inc., 100 W. Monroe St., Chicago, to stop misrepresenting that its "Hollywood Bread" contains fewer calories than other commercial breads.

*FOCUS/Midwest*





# VOTING RECORDS

## Congress

### U. S. SENATE VOTES

(A) **S Res 90** Fix the membership number on Senate standing committees for the 88th Congress. Clark (D Pa.) amendment to increase the membership of the Finance Committee from 17 to 21. Rejected 17-68; R 3-26; D 14-24 (ND 13-22; SD 1-20), Feb. 25, 1963. The President did not take a position on the amendment.

(B) **S Res 90** Clark (D Pa.) amendment to increase the membership of the Appropriations Committee from 27 to 29. Rejected 12-70; R 3-25; D 9-45 (ND 8-25; SD 1-20), Feb. 25, 1963. The President did not take a position on the amendment.

(C) **S 6** Mass Transportation Act of 1963, providing matching grants and other aid to local and state governments for the development of urban mass transit systems. Symington (D Mo.) amendment to reduce the grant authorization from \$500 million to a three-year total of \$375 million (\$75 million for fiscal 1963-64; \$150 million for fiscal 1965; and \$150 million for fiscal 1966). Accepted 89-8; R 32-1; D 57-7 (ND 37-5; SD 20-2), April 3, 1963. The President did not take a position on the amendment.

(D) **S 6** Passage of the bill. Passed 52-41; R 6-24; D 46-17 (ND 37-6; SD 9-11), April 4, 1963. A "yea" was a vote supporting the President's position.

	A	B	C	D
Long (D., Mo.)	N	N	Y	Y
Symington (D., Mo.)	N	N	Y	Y
Dirksen (R., Ill.)	N	N	Y	N
Douglas (D., Ill.)	Y	Y	Y	Y

#### Key to Voting Records

Y—Voting for the Bill  
N—Voting against the Bill

### U. S. HOUSE VOTES

**H Res 249.** Authorize House Un-American Activities Committee to spend \$360,000 in calendar year 1963, provided no investigations duplicate those being conducted by other House committees. Adopted 386-20; R 169-0; D 217-20 (ND 116-19; SD 101-1), Feb. 27, 1963. The President did not take a position on the resolution.

**HR 2440** Authorize \$15,856,391,000 for military procurement, research and development of aircraft, missiles and ships. Curtis (R Mo.) motion to recommit the bill with instructions to reduce authorizations for all items except Air Force research and development and Navy ship and torpedo procurement by 5 percent—a cut of \$636,385,250. Rejected 149-258; R 139-31; D 10-227 (ND 7-131; SD 3-96), March 13, 1963. A "nay" was a vote supporting the President's position.

MISSOURI		H. Res.	HR
		249	2440
5	Bolling (D)	Y	N
9	Cannon (D)	Y	Y
6	Hull, Jr. (D)	Y	N
8	Ichord (D)	Y	N
10	Jones (D)	Y	Y
1	Karsten (D)	Y	N
4	Randall (D)	Y	N
3	Sullivan (D)	Y	N
2	Curtis (R)	Y	Y
7	Hall (R)	Y	Y
ILLINOIS		H. Res.	HR
		249	2440
21	Gray (D)	Y	N
24	Price (D)	Y	N
23	Shipley (D)	Y	Y
16	Anderson (R)	Y	Y

17	Arends (R)	Y	N
20	Findley (R)	Y	Y
14	Hoffman (R)	Y	Y
12	McClory (R)	Y	A
19	McLoskey (R)	Y	Y
18	Michel (R)	A	Y
15	Reid (R)	Y	Y
22	Springer (R)	Y	N

Chicago			
1	Dawson (D)	Y	N
9	Finnegan (D)	Y	N
5	Kluczynski (D)	Y	N
7	Libonati (D)	Y	N
3	Murphy (D)	Y	N
6	O'Brien (D)	A	PN
2	O'Hara (D)	N	N
11	Pucinski (D)	Y	N
8	Rostenkowski (D)	A	N
10	Collier (R)	Y	Y
4	Derwinski (R)	Y	Y
13	Rumsfeld (R)	Y	Y

#### Key to Symbols:

Y—Voting for the Bill  
N—Voting against the Bill  
PN—Paired against the Bill  
A—Absent, or General Pair  
HR—House Bill  
S—Senate Bill  
H. Res—House Resolution  
S. Res—Senate Resolution

## States

#### Key to Symbols

Y—Voting for the Bill  
N—Voting against the Bill  
A—Absent  
P—Present but not Voting  
(Only available for Missouri)  
I—Absent because of Illness  
(Only available for Illinois)

### MISSOURI SENATE VOTES

(Unanimous votes and votes with up to two "nays" are not recorded in the name chart below. However, the "nays" are named following the vote totals.)

**SB 78 OPERATION OF MOTOR VEHICLES:** Provides driving while intoxicated shall be: (1) on 1st conviction, a misdemeanor, punishable by up to six months in jail, up to \$100 fine, or both; (2) 2nd offense, a misdemeanor, up to 1 year; and (3) 3rd and subsequent offenses, a felony, punishable by imprisonment of 2 to 5 years. Passed 28-2 ("Nays" by Downs and Young); Feb. 27, 1963.

**SB 143** Revises criminal law relating to the mentally ill, which includes abandonment of the 120-year-old "right and wrong" test for insanity. Bill changes procedure to be followed in commitment, acquittal, release, and discharge of those adjudged mentally ill, who have been accused of, or confined for, involvement in crimes. Passed 30-0; March 4, 1963.

**S J Res 1 FEDERAL POLL TAX AMENDMENT:** Ratifies proposed 24th amendment to U. S. Constitution prohibiting denial of vote due to failure to pay a poll tax. Passed 31-1 ("Nay" by Tinnin); March 18, 1963.

**HCR 4** Urges calling of a convention for the purpose of proposing an article as an amendment to the U. S. Constitution. Provides that the judicial power of the U. S. shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a state legislature. Passed 21-11; March 20, 1963.

**HCR 5** Urges calling of a convention for the purpose of proposing an article as an amendment to the U. S. Constitution amending Article V, which pertains to amending the Constitution. Eliminates constitutional conventions. Provides legislatures

of two-thirds of the states may propose amendments. Passed 21-11; March 20, 1963.

**SB 151 PUBLIC ASSISTANCE:** Requires applicants for aid to dependent children, or aid to disabled to undergo physical and mental examination by medical authorities, designated by the Division of Welfare. Passed 26-0; March 20, 1963.

**SB 10 ELECTIONS:** Authorizes St. Louis County Board of Elections Commissioners to conduct all school elections. Passed 28-0; March 21, 1963.

**S J Res 4 COUNTY CHARTER:** Authorizes St. Louis County to provide municipal services in incorporated areas; and contract to provide same services in incorporated areas; also provides for a county police tax. Passed 22-4; March 27, 1963.

MISSOURI	S J		
	HCR	HCR	Res
<b>SENATORS</b>	4	5	4
Avery (D)	Y	Y	N
Barrett (D)	N	N	A
Blackwell (D)	Y	Y	Y
Bondurant (R)	Y	Y	N
Brancato (D)	N	N	A
Cason (D)	Y	Y	A
Cox (R)	Y	Y	N
Curtis (R)	Y	Y	N
Downs (D)	A	A	Y
Hatcher (R)	Y	Y	Y
Hill (R)	Y	Y	N
Hilsman (D)	N	A	N
Hopfinger (D)	N	N	Y
Johnson (D)	N	N	N
Jones (D)	Y	Y	Y
Joynt (D)	N	N	Y
Keating (D)	N	N	A
Kelly (R)	Y	Y	N
Kinney (D)	Y	Y	N
McNeal (D)	N	N	Y
Mackie (D)	Y	Y	Y
Macon (R)	Y	Y	N
Owens (R)	Y	Y	N
Patterson (D)	Y	Y	Y
Pentland (D)	N	N	Y
Schechter (D)	N	N	Y
Spradling (D)	A	A	Y
Taylor (R)	Y	Y	N
Tinnin (D)	Y	Y	N
Vanlandingham (D)	Y	Y	Y
Waters (D)	Y	Y	N
Webster (R)	Y	Y	N
Woolsey (R)	Y	Y	Y
Young (D)	N	N	Y

### MISSOURI HOUSE VOTES

(Unanimous votes and votes with up to two "nays" are not recorded in the name chart below. However, the "nays" are named following the vote totals.)

**HCR 4** Urges calling of a convention for the purpose of proposing an article as an amendment to the U. S. Constitution. Provides the Constitution shall not restrict or limit any State in the apportionment of representation in its legislature. Provides that the judicial power of the U. S. shall not extend to any suit in law or equity, or to any controversy relating to apportionment of representation in a state legislature. Passed but vote not recorded. Feb. 14, 1963.

**HCR 5** Urges calling of a convention for the purpose of proposing an article as an amendment to the U. S. Constitution amending Article V, which pertains to amending the Constitution. Eliminates constitutional conventions. Provides legislatures of two-thirds of the states may propose amendments. Passed 105-31. Feb. 14, 1963.

**HB 327** Bill lowers from eight to six years the years of service necessary to qualify a legislator for state retirement benefits. Passed 147-0; March 12, 1963.

**HB 173** Authorizes branch of University of Missouri in St. Joseph area. Passed 120-21; March 13, 1963.

**SB 94** Requires voters in the City of St. Louis to sign an identification card at each

election, which shall be compared with voter's registration signature. Passed 91-46; March 18, 1963.

**HJ Res 14** Provides that the Governor shall be elected for two years in 1968, and thereafter for four years in non-presidential years. Also applies to Lieutenant-Governor, Secretary of State, State Treasurer, and Attorney General. Passed 112-9; Feb. 26, 1963.

**HB 259** Provides Division of Welfare is entitled to information from all bureaus and agents of state to help locate parents who have deserted children, notwithstanding other laws affecting confidence of such records. Passed 134-1 ("Nay" by Belt); Feb. 26, 1963.

**HB 304** Bill increases blind pension allowance from \$70 to \$75. Passed 142-0; Feb. 26, 1963.

**HB 21** Provides that in order for any city in St. Louis County to annex adjacent unincorporated areas, proposition therefor must first be approved by voters of city and area desired to be annexed, in separate, but simultaneous elections. Passed 145-1 ("Nay" by Harris); Feb. 28, 1963.

MISSOURI REPRESENTATIVES	HCR	HJRes	HB	SB
	5	14	173	94
Allen (D)	Y	Y	Y	N
Anderson (D)	Y	Y	Y	N
Arnold (R)	Y	Y	Y	Y
Baker (D)	Y	Y	N	N
Baltz (D)	A	Y	Y	N
Bassman (R)	Y	Y	Y	Y
Bauer (D)	A	Y	Y	A
Beckerle (D)	Y	Y	A	Y
Belt (R)	Y	A	N	Y
Berra (D)	Y	A	Y	Y
Betz (R)	Y	Y	A	Y
Bild (R)	A	Y	A	Y
Bollinger (D)	Y	A	Y	Y
Brenton (R)	N	N	N	Y
Butler (R)	Y	A	Y	N
Calloway (D)	N	A	Y	N
Caton (R)	Y	Y	Y	Y
Campbell (D)	A	N	Y	N
Canaday (D)	Y	Y	A	P
Cannon (D)	Y	Y	Y	N
Cantrell (D)	N	Y	Y	N
Carnahan (D)	N	Y	A	Y
Casey (D)	Y	A	A	N
Chinn (D)	Y	A	Y	N
Clements (D)	Y	Y	Y	Y
Cole (D)	Y	A	N	N
Conley (D)	N	Y	Y	N
Connors (D)	Y	Y	Y	Y
Copeland (D)	Y	Y	A	N
Crigler (D)	Y	Y	N	N
Dames (D)	Y	Y	Y	Y
Davidson (Henry) (D)	Y	Y	Y	N
Davidson (Greene) (R)	N	Y	N	Y
Davis (Webster) (D)	Y	Y	Y	N
Davis (Linn) (D)	Y	A	Y	Y
Degenhardt (R)	Y	Y	Y	Y
Dickey (D)	Y	Y	Y	N
Dickson (R)	Y	N	Y	Y
Duensing (R)	Y	A	Y	A
Ellis (D)	N	Y	Y	N
Estep (R)	Y	N	N	Y
Ewing (D)	A	A	Y	N
Fickle (D)	Y	Y	Y	A
Fitzgerald (R)	Y	Y	Y	Y
Foley (D)	A	A	Y	Y
Frost (D)	A	Y	A	A
Gannaway (R)	Y	Y	Y	Y
Garrett (D)	N	A	Y	N
Gaulding (R)	Y	Y	Y	Y
Gault (R)	Y	Y	Y	N
Godfrey (D)	N	A	Y	Y
Goldberg (D)	A	A	Y	N
Goode (D)	N	Y	Y	Y
Gosser (R)	Y	Y	N	Y
Gralike (D)	N	Y	Y	Y
Groce (D)	N	Y	Y	P
Gunnell (R)	Y	Y	Y	Y
Hankins (R)	Y	Y	N	Y
Hardy (D)	Y	Y	Y	Y
Harlow (R)	Y	Y	Y	Y
Harkins (R)	Y	A	A	Y
Harris (D)	N	Y	N	Y
Henson (D)	Y	Y	Y	A
Hibler (D)	Y	Y	Y	A
Hickey (D)	N	A	Y	Y
Holland (R)	Y	Y	Y	Y
Holliday (R)	Y	A	Y	Y
Huey (R)	Y	Y	Y	Y
Hughes (Johnson) (R)	Y	Y	Y	Y
Hughes (Dade) (R)	Y	N	N	Y
Hurt (R)	Y	Y	Y	Y
Jackson (D)	Y	A	A	A
James (Dunklin) (D)	Y	Y	Y	P
James (Taney) (R)	Y	Y	N	Y
Jasper (D)	Y	A	Y	A
Kay (D)	Y	Y	Y	Y
Keating (D)	A	A	N	N
Keller (D)	A	A	Y	Y
Kidd (D)	N	Y	Y	N
King (R)	A	A	A	A

Kirchner (R)	Y	Y	Y	Y
Kostron (D)	A	A	Y	Y
Lankford (D)	Y	Y	Y	N
Lincoln (R)	A	Y	Y	Y
Mace (R)	Y	Y	Y	Y
Mann (R)	Y	N	N	Y
Marsh (R)	A	A	A	A
Mason (R)	Y	Y	N	Y
Masters (D)	A	Y	Y	Y
Mazzuca (D)	Y	A	Y	A
McFadin (D)	Y	Y	Y	Y
McHenry (D)	Y	A	Y	P
McMahon (R)	Y	Y	Y	Y
McMullin (D)	Y	Y	Y	N
Meeks (D)	Y	A	Y	A
Meyer (D)	N	Y	Y	A
Mickelson (D)	Y	Y	Y	N
Misbauer (D)	Y	Y	Y	Y
Moody (R)	Y	Y	A	Y
Morris (R)	Y	Y	Y	Y
Neal (D)	N	Y	Y	P
Noland (R)	Y	Y	Y	Y
O'Connor (D)	N	Y	Y	Y
O'Reilly (D)	Y	Y	Y	N
Owen (D)	Y	A	Y	Y
Pace (D)	N	Y	N	Y
Patterson (D)	N	Y	N	Y
Petrovic (D)	N	Y	Y	P
Phelps (R)	Y	A	Y	Y
Portell (D)	A	A	Y	N
Proffer (D)	Y	Y	N	N
Rabbitt (St. L. Co.) (D)	N	A	Y	N
Rabbitt (St. L. City) (D)	N	Y	A	N
Raiffa (D)	Y	Y	Y	Y
Reed (R)	Y	Y	Y	Y
Roberts (Andrew) (D)	Y	Y	Y	N
Roberts (St. Francois) (D)	N	Y	Y	P
Robinson (D)	Y	A	Y	Y
Rolwing (R)	A	A	Y	A
Rosenbaugh (D)	Y	Y	Y	Y
Rothman (D)	N	Y	Y	Y
Russell (St. L. Co.) (D)	N	Y	Y	Y
Russell (Laclede) (R)	Y	Y	Y	Y
St. Peter (R)	Y	A	A	A
Salley (R)	Y	Y	Y	Y
Sargent (R)	Y	Y	Y	Y
Schapeler (D)	Y	Y	Y	N
Schellhorn (D)	A	Y	Y	Y
Sheehan (D)	N	Y	A	N
Simcoe (D)	N	A	Y	N
Simmons (R)	Y	N	N	Y
Simon (R)	A	Y	Y	Y
Skaggs (D)	Y	Y	Y	A
Smith (R)	Y	Y	P	Y
Snyder (R)	N	Y	A	Y
Southern (D)	Y	Y	P	N
Spainhower (D)	N	Y	N	Y
Speer (R)	Y	Y	Y	Y
Sponsler (D)	Y	Y	Y	N
Steelman (R)	Y	A	A	Y
Stutler (D)	A	Y	Y	A
Taylor (R)	Y	N	Y	Y
Trimble (D)	Y	Y	A	Y
Troupe (D)	N	A	Y	N
Uthlaut (R)	Y	Y	Y	Y
Vaughan (R)	Y	Y	Y	Y
Walsh (D)	A	Y	Y	N
Warden (R)	Y	A	Y	Y
Weatherly (D)	A	A	Y	Y
White (D)	A	A	Y	N
Whitney (R)	Y	Y	Y	Y
Wigfield (D)	Y	A	Y	A
Williams (Carroll) (R)	Y	Y	Y	N
Williams (Buchanan) (D)	A	Y	Y	Y
Williams (Pike) (D)	Y	A	Y	N
Woods (D)	A	Y	N	N
Wright (R)	Y	Y	N	N
Wyckoff (R)	Y	N	Y	Y
Young (R)	A	Y	Y	Y
Zeilmann (R)	Y	Y	Y	Y
Zimmerman (D)	N	Y	Y	A
Zwibelman (D)	Y	Y	A	Y
Mr. Speaker (D)	Y	Y	A	Y

## ILLINOIS SENATE VOTES

**SB 98** Requires retailers to file sales tax returns at specific intervals. Passed 46-0. Jan. 30, 1963.

**SR 22** Provides for a Senate committee to investigate the Chicago Sanitary District. Adopted 32-17. Feb. 20, 1963.

**HB 10** Prohibits the establishment of any new municipal court. Passed 48-3. Feb. 27, 1963.

**HB 11** Prohibits the establishment of any new police magistrate. Passed 48-3. Feb. 27, 1963.

**SB 358** Provides that people who are out of work due to labor disputes are ineligible for relief and ADC payments. Passed 30-23. March 13, 1963.

**SB 10** Creates a Crime Commission, defines its powers and duties. Appropriates \$200,000.00. Passed 53-0. March 19, 1963.

**SB 346** Provides the maximum assistance

for any person shall not exceed \$80 per month, except for extraordinary medical treatment, care and supplies. Limits payments for ADC. Passed 33-20. March 19, 1963.

ILLINOIS SENATORS	SR	HB	SB	SB
	22	10-11	358	346
Arrington (R)	A	Y	Y	Y
Bidwill (R)	A	A	A	A
Broyles (R)	Y	N	Y	Y
Canfield (R)	Y	Y	Y	Y
Carpentier (R)	Y	Y	Y	Y
Cherry (D)	N	Y	N	N
Collins (R)	Y	Y	Y	Y
Coulson (R)	Y	Y	Y	Y
Cronin (D)	N	Y	N	N
Davis (R)	Y	Y	Y	Y
De La Cour (D)	A	Y	N	N
De Tolve (D)	A	Y	N	N
Dixon (D)	N	Y	N	N
Dougherty (D)	N	Y	N	N
Downing (R)	Y	Y	N	Y
Drach (R)	Y	Y	Y	Y
Eberspacher (D)	N	A	N	N
Fawell (R)	Y	Y	Y	Y
Finley (D)	N	Y	N	N
Fox (D)	A	A	A	A
Friedrich (R)	Y	N	A	Y
Gilbert (R)	Y	Y	A	Y
Gottschalk (R)	Y	A	Y	Y
Graham, J. A. (R)	Y	A	Y	Y
Graham, Paul (R)	Y	Y	Y	Y
Green (R)	Y	Y	Y	Y
Grindle (D)	A	Y	N	N
Groen (R)	Y	Y	Y	Y
Harris (R)	Y	A	Y	Y
Hart (R)	A	Y	Y	Y
Hatch (R)	Y	Y	Y	Y
Hoffelder (R)	Y	Y	Y	A
Kerr (R)	Y	N	Y	Y
Kinnally (D)	N	Y	N	N
Kocarek (D)	N	Y	N	N
Kusibab (D)	N	Y	Y	Y
Larson (R)	Y	Y	Y	Y
Laughlin (R)	Y	Y	Y	Y
Little (R)	Y	Y	N	Y
Lyons (D)	N	Y	A	A
Martin (R)	Y	Y	Y	Y
McCarthy (D)	A	Y	N	N
McGlooin (D)	A	Y	N	A
Meyer (R)	Y	Y	Y	Y
Neistein (D)	N	Y	N	N
O'Brien (D)	N	Y	N	N
Ozinga (R)	Y	A	Y	Y
Peters (R)	Y	Y	Y	Y
Peterson (R)	Y	Y	Y	Y
Schlagenhauf (R)	Y	Y	Y	Y
Simon (D)	N	Y	N	N
Smith (D)	N	Y	N	N
Sours (R)	Y	Y	Y	Y
Sprague (R)	Y	Y	Y	Y
Swanson (R)	Y	Y	Y	Y
Sweeney (D)	N	Y	N	N
Welch (D)	N	Y	N	N
Ziegler (D)	N	Y	N	N

## Going to SPRINGFIELD (ILLINOIS)?

### THOSE "IN THE KNOW" STAY AT STATE HOUSE INN (One block from the State Capitol)

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## ILLINOIS HOUSE VOTES

**SB 98** Requires retailers to file sales tax returns at specific intervals. Passed 127-30. Feb. 6, 1963.

**HB 113** Provides that in erecting, purchasing, or otherwise acquiring buildings for school purposes, a school board shall not do so in such a manner as to promote segregation and separation of children in public schools because of color, race, or nationality. All records shall be open to the public, and boards shall revise or create sub-districts to eliminate segregation. Passed 140-0 (P. J. Miller answered present). Feb. 28, 1963.

**HB 93** Includes public swimming pools as a place of public accommodation and amusement. Passed 153-0. Mar. 12, 1963.

**HB 236** Creates a Department of Children and Family Services to provide social services to children and their families, to operate children's institutions, and to provide certain other rehabilitative and residential services. Passed 109-45. Mar. 14, 1963.

**HB 330** Provides that qualified recipients of unemployment compensation are ineligible to receive general assistance. Defeated 59-93. Mar. 20, 1963.

ILLINOIS REPRESENTATIVES	SB 98	HB 236	HB 330
Alsop (D)	Y	Y	N
Anderson, M. K. (R)	A	Y	Y
Anderson, R. E. (R)	Y	N	Y
Armstrong (D)	Y	Y	N
Austin (R)	N	Y	N
Bairstow (D)	Y	Y	A
Baker (D)	A	A	N
Baltz (R)	N	Y	Y
Barry (D)	Y	Y	N
Bartoline (D)	Y	Y	A
Blades (R)	N	N	Y
Branson (R)	Y	Y	N
Brouillet (R)	Y	A	A
Brydia (R)	N	N	Y
Burgoon (R)	N	N	A
Burhans (R)	N	A	Y
Callan (D)	Y	Y	N
Campbell (R)	N	N	Y
Capuzi (R)	Y	Y	A
Carrigan (D)	Y	Y	N
Carroll (R)	Y	N	Y
Carter (D)	Y	Y	N
Ceaser (D)	Y	Y	N
Choate (D)	Y	Y	N
Clabaugh (R)	N	Y	Y
Clarke (R)	Y	N	Y
Conner (D)	Y	Y	N
Conolly (R)	N	N	Y
Costello (D)	Y	Y	N
Course (D)	Y	Y	N
Coutrakon (R)	Y	Y	N
Craig (D)	Y	Y	N
Dale (R)	N	A	Y
Dammerman (D)	Y	Y	N
Davidson (R)	Y	N	Y
Davis (D)	Y	Y	N
Dawson (R)	Y	Y	Y
DeMichaels (D)	Y	Y	N
DiPrima (D)	Y	Y	N
Dolezal (R)	A	A	Y
Donnewald (D)	Y	Y	N
Donovan (R)	Y	N	Y
Downes (D)	Y	Y	N
Downey (D)	Y	Y	N
Elward (D)	Y	Y	N
Erlenborn (R)	Y	N	N
Euzzino (D)	A	Y	N
Fary (D)	Y	Y	N
Finfgeld (R)	N	N	Y
Fitzgerrell (R)	Y	Y	N
Gardner (R)	A	N	N
Glenn (D)	Y	Y	N
Graham (R)	A	N	N
Granata (R)	Y	Y	A
Hachmeister (R)	Y	A	N
Hale (R)	N	N	N
Hall (R)	Y	A	A
Hannigan (D)	Y	A	N
Hansen (R)	Y	Y	Y
Harris (D)	Y	Y	N
Heiple (R)	Y	N	Y
Hill (D)	Y	Y	N
Hittmeier (R)	N	N	Y
Holloway (D)	Y	A	N
Holten (D)	A	A	A
Horsley (R)	A	N	N
Hunsicker (R)	N	N	Y
Innen (R)	Y	Y	Y

Janczak (R)	Y	A	Y
Johns (R)	N	Y	Y
Johnston (R)	N	N	Y
Jones (R)	N	N	A
Kahoun (R)	N	N	Y
Kaplan (D)	Y	Y	N
Kennedy (D)	Y	I	N
Laufer (R)	Y	N	Y
Lee, Clyde (D)	Y	Y	N
Lee, Noble W. (R)	N	A	Y
Lehman (R)	N	N	Y
Lenard (D)	Y	A	N
Leon (D)	Y	Y	N
LoDestro (R)	Y	N	Y
Loughran (D)	A	Y	N
Loukas, J. P. (D)	Y	Y	N
Lucas, Allen (D)	Y	Y	N
Lyman (D)	Y	Y	A
Majewski (D)	Y	Y	Y
Mann (D)	Y	Y	N
Marek (R)	N	N	Y
Marks (D)	Y	Y	N
McAvoy (R)	Y	Y	A
McBroom (R)	N	N	A
McConnell (R)	N	N	Y
McCormick (R)	Y	A	N
McCully (R)	Y	N	Y
McDermott (D)	Y	Y	N
McDevitt (R)	Y	A	A
McGowan (R)	Y	N	Y
McPartlin (D)	Y	Y	N
Merlo (D)	Y	Y	N
Mikva (D)	Y	Y	N
Miller, C. O. (R)	A	A	Y
Miller, K. W. (R)	N	N	Y
Miller, P. J. (R)	Y	Y	A
Mills (D)	I	Y	N
Moberley (R)	N	Y	Y
Moore (R)	N	N	Y
Morgan (R)	Y	Y	Y
Morris (D)	Y	Y	N
Murphy (R)	Y	N	Y
Napolitano (D)	Y	Y	N
Neff (R)	Y	N	Y
Parkhurst (R)	Y	A	Y
Partee (D)	Y	Y	N
Pearson (D)	Y	Y	N
Peskin (D)	Y	Y	N
Pfeffer (D)	Y	Y	A
Pierce (D)	Y	Y	N
Piotrowski (D)	Y	Y	N
Pollack (R)	N	Y	Y
Powell (D)	I	Y	N
Railsbach (R)	Y	N	Y
Randolph (R)	Y	A	Y
Ratcliffe (D)	Y	Y	N
Redmond (D)	Y	Y	N
Rhodes (R)	Y	A	Y
Rink (D)	Y	Y	N
Robinson (R)	Y	Y	N
Romano (D)	Y	Y	N
Ropa (D)	Y	Y	N
Rosander (R)	Y	N	Y
Rowe (R)	N	N	Y
Ruddy (R)	Y	Y	A
Russell (D)	Y	Y	N
Ryan (D)	Y	Y	A
Saal (D)	Y	Y	N
Sandquist (R)	A	A	Y
Saperstein (D)	Y	Y	N
Scariano (D)	Y	Y	N
Schaefer (D)	Y	Y	N
Schneider (R)	N	N	Y
Schoeberlein (R)	Y	N	Y
Scott (D)	Y	Y	N
Shaw (D)	Y	Y	N
Simmons (R)	A	N	Y
Smith, Frank J. (D)	Y	Y	N
Smith, Ralph T. (R)	A	Y	N
Soderstrom (R)	A	Y	N
Stastny (R)	Y	N	Y
Stolle (R)	N	N	Y
Stremlau (D)	I	Y	N
Svalina (D)	Y	A	N
Teehey (D)	Y	Y	N
Touhy (D)	Y	Y	N
Traynor (D)	Y	Y	N
Vitek (D)	Y	Y	N
Walker, C. A. (R)	Y	N	A
Walker, Jack (R)	Y	N	Y
Wall (R)	Y	Y	A
Walsh, R. A. (R)	Y	Y	Y
Walsh, R. V. (D)	Y	Y	N
Walsh, W. D. (R)	Y	Y	Y
Warren (R)	A	Y	N
Welsh, R. J. (D)	Y	Y	N
Whalen (D)	Y	Y	A
Wiktoriski (D)	Y	Y	N
Willett (R)	Y	N	A
Williams (R)	Y	Y	N
Wilson (D)	Y	Y	N
Wittmond (D)	Y	Y	N
Wolbank (D)	Y	Y	A
Wolf (D)	Y	Y	N
Wood (R)	A	N	A
Zagone (D)	Y	Y	N
Zlatnik (R)	Y	Y	A
Mr. Speaker (R)	Y	Y	Y

## RICHEY

*Continued from page 14*

the trust device, has never depended on attorney generals to enforce its trusts. After the prerogatives of the King's Chancellor were abolished, Parliament made a 19-year study to determine how charitable trusts might best be controlled. It was decided that task could only be handled by an independent authority with wide discretionary powers which could give all of its attention to investigating and enforcing the trusts. The result was creation in 1853 of the Board of Charity Commissioners, a quasi-judicial agency with power to remove trustees for contempt of its directives. From time to time, Parliament amends the agency in minor respects, but the basic machinery has remained unchanged. Now in its one-hundred-and-tenth year of operation, the Board encounters minimum difficulty in keeping its 110,000 charitable trusts directed toward the public good.

## LETTERS

*Continued from page 4*

The discount house is not able to compete with the old line department store in service or value. He can only profit by longer hours. Department stores will be forced by competition to meet his hours.

The net result will, I believe, be a loss to the customer.

*Frank M. Mayfield*

Chairman of the Board, Scruggs-Vandervoort-Barney, Inc.

## Congratulations

F/M: . . . You and your associates are doing a splendid job. Congratulations.

*Alfred Willoughby*

Executive Director

National Municipal League

New York, N. Y.

F/M: May I say that FOCUS/Midwest is one of the very few magazines that come across my desk that I take time to read cover to cover. I have been a "fan" from the first number.

*Rietta Gantter*

Syracuse University Press

Syracuse, New York

## An Establishment in St. Louis?

F/M: Two years ago I left St. Louis filled with the zeal of the New Frontier. As a former small time politician I felt a sense of sorrow about leaving my home and a great feeling of exhilaration about coming to Washing-

*continued on page 28*



ton. Both still exist. Through my friends, the *Post-Dispatch*, Washington University, and your fine magazine, I try and keep up with local events. As time goes by I find myself more and more deciding that coming home at the end of the life of this administration will be an uneasy decision.

In St. Louis the first question that one is asked on meeting is who is your family? In Washington the question is what do you do? Here there is a society of achievement, in St. Louis it is a society of name. It is amazing to note the number of people who leave St. Louis to practice their skills. Why? Because St. Louis is run by an establishment based on who your parents were or are and not what you have to offer. The middle class with talent educated at our local fine universities will leave at the first offer. Why? Look at the large businesses in St. Louis. The heads of those businesses are almost always a part of the family that seemingly controls the firm. In the large firms of the country this is not true. The banks, brokerage houses, lawyers, doctors, civic leaders etc. of St. Louis are run by an establishment of family not ability.

The President of the United States seemingly does everything well on a personal level. If his name were Smith, I doubt if he would have been able to get elected to any office in St. Louis. For the idea is not to look too good. A major politician must be homey not smart. Don't ever let anyone know you read or you are dead. Above all be bland. Missouri produces more nice mediocrity than any other state in the country. Douglas and Dirksen bring Illinois great respect in the eyes of the country. One of the finest lawyers in St. Louis ran in the primary against Poelker for Judge. He lost and so did I.

Eugene Buder couldn't be nominated for sheriff while one fellow whose campaign consisted of a speech saying "I'm a Democrat, I'm a Catholic, and I'm Irish" wondered why his margin of victory was not larger. But the establishment of St. Louis prefers it that way. Do not let St. Louis have any leadership or else they might understand why in each decennial census, St. Louis drops another notch.

William B. Milius  
Washington, D. C.

## Report On Level Of Radioactivity

The following table prepared by the U.S. Public Health Service provides information on concentrations of radioactivity in milk samples. FOCUS/Midwest will publish these reports on iodine 131, strontium 89, and strontium 90 for Chicago, Kansas City, St. Louis. The data given are in terms of micromicrocuries per liter of milk (1.05 quarts).

(The data below is the latest made available by the U.S. Analyses are also prepared by the St. Louis City and County Department of Public Health for their area. These indicate that the cumulative dose of I-131 for one year [4-1-62 to 4-1-63] was 11, 583 in the St. Louis region.)

Some appreciation of the significance of estimated intake levels can be obtained by comparison with the Federal Radiation Council guides (see column "Acceptable Risk"). These guides apply to normal peacetime nuclear operations where control of release of radioactivity to the environment is possible. These daily intakes, averaged over a year, are considered an acceptable health risk for large general population groups for a lifetime.

City	Average Daily Level			Total For Past 12 Months		
	Nov. 1962 Sr-89	Sr-90	Dec. 1962 I-131	As of Nov. 1962 Sr-89	Sr-90	As of Dec. 1962 I-131
Acceptable Risk	2000	200	100	730,000	73,000	36,500
Chicago	50	13	20	10,215	3,788	13,690
Kansas City	90	15	130	28,825	4,852	30,370
St. Louis	60	12	30	18,145	4,601	12,110

### HIGHEST REPORTS FROM THROUGHOUT THE NATION

Portland, O.	200					
Little Rock, Ark.		28				
Dallas, Tex.			330			
New Orleans, La.				64,820	10,401	
Palmer, Alaska						37,800

## EDITORIAL

Continued from page 5

a Grand Jury unless he waives that right. The great Fifth Amendment protects against double jeopardy. It provides that any accused must be confronted by witnesses. It provides that he shall have compulsory process to summon witnesses on his own behalf. It provides against self-incrimination. It provides for due process of law.

"The Sixth Amendment of the Constitution of the United States guarantees any defendant the right to a speedy and a public trial. It also guarantees a trial before an impartial jury. The First Amendment to the United States Constitution contains the great guarantees of speech, of religion, and of the press.

"In England, from whence we borrowed many of our concepts of due process of law, the importance of an impartial jury has totally outweighed any concept of freedom of speech during the trial of either a civil or a criminal case. In England it has long been, and is today, contempt of court, punished by both fine and imprisonment, for any person to make public comment upon the trial of any case, civil or criminal, during the pendency of that trial. After the trial is completed, the rule, of course, is entirely different. And in England the right to cuss the Court is fully protected after the case has been tried. The rule in England is as it is because there is no Constitutional protection in any way comparable to that contained in the First Amendment.

"So far as this Court is concerned, it has been my practice to remind counsel for both sides that cases that pend in this Court will be tried in this Court and not tried in the newspapers or on the television screens. What I say applies equally to both sides, and my statement to counsel for the Government includes and imposes upon them a duty to advise every branch of the United States Government that such is the rule of this Court and that the Court expects the United States Attorneys to advise all agencies of the Government of that rule.

"When I say this, I am sure that everyone understands that the protections guaranteed by the Sixth Amendment, to an impartial jury, is a right that must be balanced with the great guarantees of the First Amendment. . ."